

CITY OF SAN BRUNO



567 El Camino Real
San Bruno, CA 94066
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STAFF

Tambri Heyden, AICP, *Community Development Director*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Aaron Akin, AICP, *Planning Manager*
Beilin Yu, *Associate Planner*
Tony Rozzi, *Assistant Planner*
Lisa Costa Sanders, *Contract Planner*
Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice-Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Perry Petersen
Joe Sammut

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION AGENDA

Tuesday, August 15, 2006
San Bruno Senior Center
1555 Crystal Springs Road
7:00 p.m.

Roll Call

Pledge of Allegiance

| | | | |
|----|--|--|--------------|
| A. | Approval of Minutes | July 18, 2006 | |
| B. | Communications | | |
| C. | Public Comment | | ↓ Actions |
| D. | Announcement of Conflict of Interest | | |
| E. | Public Hearings | | |
| 1. | 373 Taylor Avenue (V-06-02) <u>Environmental Determination:</u> Categorical Exemption <u>Zoning:</u> R-2 (Low Density Residential) | Request for a Variance to allow left and right side yard setbacks to not meet requirements by more than two feet per Section 12.124.010.B of the San Bruno Zoning Ordinance. Xiao Yun Chen (Owner/ Applicant). V-06-02 | |
| 2. | 649 6th Avenue (UP-06-15) <u>Environmental Determination:</u> Categorical Exemption <u>Zoning:</u> R-1 (Single Family Residential) | Request for a Use Permit to allow the construction of an addition which increases the gross floor area by more than 50% per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance. Rafael Gutierrez (Owner/Applicant) UP-06-18 | |

| | | | |
|----|--|---|--|
| 3. | <p>405 Cherry Avenue (UP-06-07)</p> <p><u>Environmental Determination:</u> Categorical Exemption</p> <p><u>Zoning:</u> R-1 (Single Family Residential)</p> | <p>Request for a Use Permit to allow the construction of an addition to an existing residence which increases the floor area by more than 50% and proposes a floor area greater than 1,825 square feet while only providing a one-car garage per Section 12.200.030.B.1, 12.200.080.A.2, and 12.120.010.B of the San Bruno Zoning Ordinance. Alma and Jeramie Perez (Owners); Dale Meyer (Applicant) UP-06-07</p> <p>**Staff is recommending this project be continued to a later hearing in order to allow the applicant additional time to revise the proposal.</p> | |
| 4. | <p>Amendment to Chapter 12.84 of the San Bruno Municipal Code</p> <p><u>Environmental Determination:</u> Categorical Exemption</p> <p><u>Zoning:</u> All Residential Zoning Districts</p> | <p>Request for a Zoning Code Text Amendment to allow an additional 2'0" of trellis on the top of a fence, wall or screen planting, and to allow discretionary review of 3'0" fences within 25' from the street corner of a corner lot, within Chapter 12.84 of the San Bruno Municipal Code, per Chapter 12.136 of the San Bruno Municipal Code.</p> | |
| 5. | <p>Amendment to Chapter 12.84 of the San Bruno Municipal Code</p> <p><u>Environmental Determination:</u> Categorical Exemption</p> <p><u>Zoning:</u> All Residential Zoning Districts</p> | <p>Request for a Zoning Code Text Amendment to regulate offsite construction yards as temporary conditional use and to set forth standard conditions of approval for such use, within Chapter 12.84 of the San Bruno Municipal Code, per Chapter 12.136 of the San Bruno Municipal Code.</p> | |
| F. | Discussion | | |
| 1. | City Staff Discussion | | |
| 2. | Planning Commission Discussion | | |
| G. | Adjournment | | |

Note: If you challenge the above actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

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PLANNING

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Commissioners:
Mary Lou Johnson
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COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

JULY 18, 2006

San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:05 pm.

ROLL CALL

| | <u>Present</u> | <u>Absent</u> |
|-----------------------|----------------|---------------|
| Chair Mishra | X | |
| Vice Chair Biasotti | | X |
| Commissioner Chase | X | |
| Commissioner Johnson | X | |
| Commissioner Marshall | X | |
| Commissioner Petersen | X | |
| Commissioner Sammut | X | |

STAFF PRESENT:

Planning Division: Community Development Director: Tambri Heyden
Planning Manager: Aaron Aknin
Associate Planner: Beilin Yu
Community Dev. Recording Secretary: Cathy Hidalgo
City Attorney: Pamela Thompson

Pledge of Allegiance: Commissioner Johnson

A. Approval of Minutes – JUNE 20, 2006

Motion to Approve Minutes of June 20, 2006 Planning Commission meeting.

Petersen/Sammut

VOTE: 6-0
AYES: Mishra, Chase, Johnson, Marshall, Petersen, Sammut
NOES:
ABSTAIN:

B. Communication

The Packets are available on San Bruno's website: www.sanbruno.ca.gov

The Agendas and minutes are available on line.

C. Public Comment

None at this time.

D. Announcement of Conflict of Interest

Marshall – Item E1, within 500 feet

E. Public Hearings

1. 497 San Mateo Avenue

Request for a Use Permit to allow live music in conjunction with the operation of an existing bar per Section 12.84.070.B of the San Bruno Zoning Ordinance. Gene Tagliaferri (Owner)/ Edwina Walshe (Applicant) UP-06-20

Assistant Planner Rozzi entered staff report.

Staff Recommends approval of Use Permit 06-20 based on Findings of Fact (1-7) and Conditions of Approval (1-21). Condition #7, sign permit, prior to final approval.

Chair Mishra asked Commission if there were any questions for staff.

Commissioner Sammut: Are there any other establishments in San Bruno that have a use permit for live music?

Assistant Planner Rozzi: Responded, yes, the RIO did, they are no longer in business. A Karaoke bar is a separate use permit.

City Attorney Thompson: To the Commission, recommends that the Planning Commission consider an additional condition that the music and entertainment in connection with the loud use of the bar shall be conducted in such a manner not to constitute a public nuisance, if the applicant does not comply (such as trash, fighting, public urination, noise; those type of things constitute a public nuisance), the city can move to revoke their use permit, if approved, and subject to civil or criminal prosecution and fines, which the city will enforce.

Commissioner Petersen: Believes it will be a good addition to the neighborhood. An ordinance was introduced to the city recently concerning establishment that serve liquor. Were the regulations reviewed with applicant?

City Attorney Thompson: Responds, since they are a pre existing establishment, they are not subject to the new regulations. Except as a bar they cannot conduct themselves in a manner that would result in them becoming a public nuisance.

Commissioner Petersen: They can be subject to the new regulations if they become a nuisance.

Assistant Planner Rozzi: Responded that they are aware through the application process.

City Attorney Thompson: Important that staff reiterates all the laws and regulations.

Assistant Planner Rozzi: Agreed.

Commissioner Petersen: They should be encouraged to comply. Is there potentially a nexus?

City Attorney Thompson: Responded, they can't conduct themselves in a way that is a public nuisance. This provision would help provide a nexus between the music and that existing law.

Commissioner Petersen: Would it be more direct to cite the law number?

City Attorney Thompson: Agreed, will provide in the conditions.

Commissioner Johnson: Condition 16 – establishment shall report to the SBPD. What is the difference between shall and must?

Assistant Planner Rozzi: The wording is from the police department. Shall' makes it mandatory.

Commissioner Johnson: Actual hours of opening and closing?

Assistant Planner Rozzi: Applicant can answer. Music/Entertainment hours are listed.

Commissioner Johnson: What is capacity?

Assistant Planner Rozzi: Occupant Load is 125.

Commissioner Petersen: To City Attorney: Condition # 16, is it reasonable to request them to keep a log at the bar? Positive about the application, but sometimes it is good to have a log to protect yourself.

City Attorney Thompson: Responded affirmative

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced- Angela Fragomeni, employee at Forty's Pub, Entertainment coordinator. Would like to provide entertainment for the neighborhood, currently offer jukebox, karaoke and Pub Trivia on Tuesdays. Live Music Entertainment is asked for continuously. Has already met all the conditions on the list for notices, signage, ABC rules, keeping front and rear door closed after 10pm, monitoring the door as much as possible. Open at 6am – 2am. Do not intend music in the mornings. Music from 9pm – 1am, bands and DJs same hours. The area is elevated and there is no obstruction of traffic flow with the patrons. 2 years ago remodeled, well insulated. Have had 2 bands in the bar in the past, when in the hallway, noise is significantly reduced, in back bar, barely hear the music, in rear you cannot hear and around Sylvan it is minimal until you reach the front of the bar. The live music, from past experience, is significantly less than the jukebox.

Chair Mishra asked Commission if there were any questions for applicant.

Commissioner Sammut: The music is going to be played every Thursday Night?

Applicant: Responded not every Thursday, thinking of having a "jam" night with a live band allowing patrons to participate. The list in packet is a list of ideas, not necessarily having music all the time. Will be well planned.

Commissioner Sammut: Genre?

Applicant: Eclectic mix, jazz, rock, country. DJs play a wide variety.

Commissioner Johnson: Apartment upstairs, is it occupied? Have you gone upstairs to hear the noise level?

Applicant: Yes, it is occupied, no haven't gone upstairs, but the tenants are usually joining the entertainment.

Commissioner Johnson: Sign being removed, is it put up with tape?

Applicant: It has been tacked, taped. Now having hard plastic signs engraved and installed.

Commissioner Johnson: Bolted?

Applicant: Bolted or screwed in.

Commissioner Johnson: Are the signs falling off, or disappearing?

Applicant: Unsure. Will remedy and make sure the signs are installed and displayed properly.

Public Comment opened.

Public Speaker #1. Larry Dillard, 505 Sylvan Avenue, opposite side of parking lot at the back of Forty's. 13 years there, quiet for the first 11 years. Doors are not kept closed in the back, a lot of drinking and smoking in the back, that area acts as a megaphone towards their residence. Even with double pane windows can still hear. Installed exhaust fans, and keeps windows closed to pull air in from the opposite side of the house, with the additional noise. Hearing more profanity with the increase of patrons. A lot of motorcycles revving engines at 1am. This is not a non impact to the neighborhood. Was not contacted by the City or the Applicant on how to mitigate the problems. Witnesses more traffic, listening longer at night, earlier hours in the morning with additional trash being thrown out which starts at 6am with the glass being thrown into the bin, loud music with door open, overflow of patrons to the lot with more drinking and smoking. What is to stop them from only having it 2 nights a week? Once approved who is to stop them from having it every night of the week? Concerned about this in his neighborhood.

Commissioner Johnson: have you brought it to someone's attention? So they would know to address it.

Public: Responded, yes, brought it to the owner and the manager. Talked with Edwina on Sunday and wanted to find out their ideas to mitigate the problems. She responded that the fire dept told her to keep the back doors open. The back doors are propped open continuously. Has contacted the police department continuously complaining about the noise. Has gone out to the parking lot and asked people to leave. Believes his property is going down in value.

Commissioner Sammut: Did you receive notification from the city?

Public: Yes, 2 weeks ago.

Public Speaker #2, Maria Dillard; 1am is the same as 6am as far as kids sleeping. Noise increases at 2am after drinking while people are in the parking lot. Noise increases since smoking has been banned. Even with the door closed, there is a lot of loitering. The parking lot really amplifies the noise.

Commissioner Johnson: To public speaker #2, with door closed, do you hear noise.

Public #2, not really, only people talking at the back door.

Assistant Planner Rozzi: Letter from Anna Mouse 482 Sylvan, asked to present to the commission.

Commissioner Sammut: did letter just arrive?

Assistant Planner Rozzi: Mrs. Mouse just handed it to me.

Public Comment closed.

Back to Commission for Discussion.

Commissioner Petersen: To applicant. Seeing the members that spoke to being your best friends or worst enemies combined. They summarized the problems with operating a bar next to a residential area. Can you respond to the response that was made to comments from the residence?

Applicant, Angela: Responded those comments were from another bartender no longer employed.

Commissioner Petersen: Would like to propose some ideas to reduce some of the exposure to the residents out the back door. You have something in the proposal for construction to remove a door and make an opening, but if you had 2 back doors that would swing closed.

Applicant, Angela: The owner would like to build something in the back area to deaden the noise, a fence around the area.

Commissioner Petersen: can we put something into the conditions that you will do that?

Applicant, Angela: Responded yes. They are working with making some changes, such as an enclosure for the trash.

Commissioner Petersen: Smoking is a big problem too, smokers have to go outside. Would it be practical to ask smoking out front, rather than out back?

Applicant, Angela: Responded, it is a matter of geography, back bar patrons go out back, front bar patrons are in front. We are unable to control when people smoke, what kind of words they use. A lot of this is out of our hands. We will comply with all reasonable conditions, on what we can control.

Commissioner Petersen: Responded, that is a good point. What you can't control is what will terminate your permit. If noise is excessive, if trash is excessive, if rowdiness and complaints build up, that can be a cause of revoking your permit. I don't mean it as a threat or warning, but as a way for you to work to control those things.

Applicant, Angela: Responds that she appreciates the opinion, but is unable to control language. Has been around when complaints have come in and has dealt with issues by dealing with the people directly. Tells people they need to be respectful of the neighbors.

Commissioner Petersen: Has seen signs at entertainment establishments saying things about being respectful of the neighbors.

Commissioner Johnson: This is hard, people live there 24 hours a day and it is important that we figure out a solution that is a win-win situation. You should have a written plan in place. Have security to move people so there is no loitering.

Applicant, Angela: Responded that they have people there Friday and Saturday to monitor alcohol and people leaving.

Commissioner Johnson: Stated to have a plan in place. Feels strongly that the neighbors get their needs met as well. Those are the things that matter. Whether you can control it or not, it is your responsibility. Too many complaints on record, then we have to take another position. Ultimately it is your responsibility. We want your business to succeed and flourish.

Applicant, Angela: Stated that they want to enclose the back area and think it will benefit the neighbors.

Planning Manager Akin: Condition #13 speaks on security having 2 guards there during live entertainment events. Add to that condition "that security personnel shall insure that doors are closed at all time".

Commissioner Johnson: There must be a procedure in place with security directing people out and off premises at last call. Directing people out of the back area.

Planning Manager Akin: agrees. Some of these issues may be present whether or not live music is there, and through this Conditional Use Permit we have the condition to secure that the security will be there.

Commissioner Sammut: To applicant: #13, something you can do is have one guard at front and one in back and the one in back not only can make sure that the door stays closed, but can send people out front to smoke. The patrons can go onto San Mateo Avenue, something to think about doing. At 2am what is the procedure at closing?

Applicant, Angela: Responded that 1:30am is last call, 1:45 the bar is empty. Bar clocks are set 15 minutes ahead. Staff help get everyone out, trash is out, bottles stay in bar until the next morning.

Commissioner Sammut: Can you take the bottles out at 8am instead of 6am?

Applicant, Angela: Responds can work to do that. Janitorial staff comes in at 5am so they can open at 6am. The bottles are kept in large garbage cans, placed in an area which will ultimately clutter the back door.

Commissioner Sammut: Asking to consider for the neighbors quality of life and not to be awakened at 6am.

Applicant, Angela: Agreed.

Commissioner Petersen: To applicant. From schedule, it appears that you are planning live music, Friday, Saturday and Sunday afternoon, would it meet with your schedule that you will not have live music at other times.

Applicant, Angela: This is a tentative list, if needs adjusting we can.

Commissioner Petersen: You should put a Lock on the trash.

Applicant, Angela: Responds she believes the shed would help.

Commissioner Petersen: to staff. On page 3, says there are 3 covered spaces, doesn't see. Should be spaces, not covered spaces.

Assistant Planner Rozzi: Responds, on the site there is a 3 car garage.

Commissioner Petersen: is the requirement for 23 covered spaces?

Assistant Planner Rozzi: Responds it is misleading because it is essentially grandfathered in spaces that had been provided to that site for the downtown area.

Aknin: don't have to be covered.

Commissioner Petersen: Taken aback by covered parking appearing as a requirement.

City Attorney Thompson: Commission does have the discretion to set the hours that are appropriate and review how they are doing at a later date and expand it if the use seems appropriate. Smoking, you can require out front. Bottles can also be set as a condition of approval to not be dumped before a certain hour.

Commissioner Sammut: Add additional conditions of approval as listed below.

Motion to approve Use Permit 06-20 based on Findings of Fact (1-5) and Conditions of Approval (1-21) with the following modification on 16 and additional Conditions of approval number 22

- 16. A log kept at premises by management available to the planning department and police department at any time, with details of date, time, description and persons involved.**

22. Music and entertainment events shall be conducted as not to be a public nuisance. If complaints consist the planning department may move to remove the use permit.
23. Establishment will follow ordinance 1685.
24. Doors in rear shall be constructed to provide a vestibule effect.
25. Shed will be constructed for trash and kept locked, when not being picked up by garbage disposal company.
26. Security personnel are to frequently check back doors to make sure they are closed and to encourage to people to leave quietly out the back door during closing hours.
28. Live music limited to schedule in application, Friday, Saturday (9 pm – 1am) and Sunday afternoon (noon to 6pm). Not approved for Thursday nights.
29. Smoking posted to be in front of establishment only and not allowed at the rear of the establishment.
30. A cigarette disposal container shall be placed in the front of the building.
31. Bottles will be removed as trash not earlier than 8am and not later than 9pm daily.

Commissioner Petersen/Sammut

VOTE: 6-0
 AYES: Mishra, Biasotti, Johnson, Sammut, Chase, Petersen
 NOES:
 ABSTAIN:

Discussion:

Commissioner Petersen: Clarified reasoning for hours and that expansion is possible.

Commissioner Johnson: In the approval they have the opportunity to expand.

Commissioner Petersen: Replied that any business can come in with an amendment.

Commissioner Johnson: Sunday at 6pm. To applicant, wants to know if that meets their needs. To applicant, is Sundays hours reasonable?

Applicant, Angela: I believe that 8pm is not unreasonable and would be appreciated.

Commissioner Sammut: To applicant, in his opinion, done a great job there, works out between you, city and the neighbors, would like to see some nightlife in the downtown area.

Commissioner Johnson: Comment, in past times, it has been very beneficial to the neighbors and business to get together and meet. Open the lines of communication with the neighbors.

FINDINGS OF FACT

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: No expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because of the conditions of approval regulating noise, loitering and hours of operation as placed by the reviewing departments.

3. The proposed development will benefit the adjacent property values through increased pedestrian traffic and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City. The proposal generally complements the current neighborhood uses and is consistent with other types of uses that have been approved in the downtown area.
4. The proposed use is consistent with the San Bruno General Plan Policy Two (2) for the Central Business District, which designates the property primarily to serve present and future needs of the residential community.
5. The location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed and all conditions of approval are met to the satisfaction of the Community Development Director, Use Permit 06-020 shall not be valid for any purpose.
2. The special event permit shall allow non-mechanical music (live) and entertainment, as well as mechanized music (jukebox) and music from electrical music devices.
3. The applicant shall comply with all other license and fee requirements as specified in the City Municipal Code for live music and special events, in conjunction with an existing alcohol-sales business.
4. The sound level shall conform to the requirements of the City's Noise Regulations (Chapter 6.16 of the Municipal Code) and the recommendations of the Police Department reviewing agent.
5. The front and rear doors of the business shall be closed (not locked) when music or other live entertainment event is in progress.
6. All entertainment shall be contained within the building and not extend to the sidewalk or parking lot areas.
7. A new sign application to replace the temporary banners on the property shall be approved by the Planning Division and installed. Until such time, Use Permit 06-020 shall not be valid for any purpose.

Police Department – (650) 616-7100

8. An age restriction of 21 years and over shall be posted at all entrances to the business. The signs must be readily available.
9. Maximum occupancy signs shall be posted at all entrances as well as inside the business.
10. Management shall arrange for litter removal every evening after closing.
11. All entertainment shall end no later than 1:00 A.M.
12. Consumption of alcohol on premises ends by 1:45 A.M.
13. Two licensed and uniformed security guards must be present during live music and/or entertainment event to provide security to ensure safety.

14. All exits are to be free from obstructions.
15. Any violation of the law or threatened violations shall be immediately reported to the Police Department and employees and management of the business shall give full cooperation.
16. Any fight, ejection of a customer, thefts from customers, or any other criminal act occurring at the establishment shall be reported to the SBPD as soon as any business employee is aware of such incident. (AMENDED ABOVE)
17. Any request by anyone in the establishment for an employee to contact the Police shall be honored immediately, without question.
18. Labor Code 6404.5 regarding smoking shall be enforced at all times.
19. Business must adhere to the provisions set forth in their ABC License.
20. At least one sign, one square foot minimum, shall be posted and maintained in a legible condition at each public entrance to the property prohibiting littering and loitering.

Fire Department - (650) 616-7096

21. Post an Occupant Load sign including an Entertainment Occupant Load for the front and rear rooms. To be issued by the Fire Department.

Planning Commission

16. (Amended) A log kept at premises by management available to the planning department and police department at any time, with details of date, time, description and persons involved.
22. Music and entertainment events shall be conducted as not to be a public nuisance. If complaints consist the planning department may move to remove the use permit.
23. Establishment will follow ordinance 1685.
24. Doors in rear shall be constructed to provide a vestibule effect.
25. Shed will be constructed for trash and kept locked, when not being picked up by garbage disposal company.
26. Security personnel are to frequently check back doors to make sure they are closed and to encourage people to leave quietly out the back door during closing hours and always smoke at the front of the building.
27. Live music limited to schedule in application, Friday, Saturday (9 pm – 1am) and Sunday afternoon (noon to 6pm). Not approved for Thursday nights.
28. Smoking posted to be in front of establishment only and not allowed at the rear of the establishment.
29. A cigarette disposal container shall be placed in the front of the building.
30. Bottles will be removed as trash not earlier than 8am and not later than 9pm daily.

Chair Mishra advised of a 10-day appeal period.

2. 21 Tanforan Avenue

Request for a Use Permit and Minor Modification to allow the construction of as addition which increases the gross floor area by more than 59% and encroaches into the required side yard setbacks per Section 12.200.030.B.1 and 12.120.010.B of the San Bruno Zoning Ordinance. Sazad Ali (Owner/Applicant) UP-06-05; MM-06-07

Associate Planner Yu entered staff report. .

Staff recommends that the Planning Commission approve Use Permit 06-05 and Minor Modification 06-07 based on Findings of Fact (1-8) and Conditions of Approval (1-21).

Chair Mishra asked Commission if there were any questions for staff.

Petersen: Condition #12, "stormwater..." that wording, is that recently introduced? That would require the resident to install drains and deliver drainage to the street.

Associate Planner Yu: Responded that she will check with PW for the wording.

Commissioner Petersen: This is a costly requirement, check with PW and get back to us.

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced. Sazad Ali. Expanding the rear of the property to accommodate the family. Still have a lot of space and it is in accordance with the city.

Chair Mishra asked Commission if there were any questions for applicant.

Commissioner Sammut: Question, you stated that it was for the family, is it extended or immediate?

Applicant: Responded, immediate family.

Planning Manager Akin: they reduced it

City Attorney Thompson: Do you have a question about the guideline. It is a guideline not a rule. You have discretion to change it. You have the discretion if you want the applicant to supply additional parking.

Chair Mishra: first concern was parking, likes design, and appreciates the effort. A one car garage for a 5 bedroom house is insufficient.

Chair Mishra, To Staff: how many spaces are required?

Associate Planner Yu: responded, there is paved parking, for 2 cars.

Public Comment opened.

Public Comment closed.

Back to Commission for Discussion.

None

Motion to approve Use Permit 06-05, MM 06-07 based on Findings of Fact (1-8) and Conditions of Approval (1-21). Removing words "

Commissioner Petersen/Chase

VOTE: 7-0

AYES: Mishra, Biasotti, Chase, Johnson, Marshall, Petersen, Sammut

NOES:

ABSTAIN:

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since all construction will meet the Uniform Building Code and attain all appropriate Building Division permits.

2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the expansion is in scale with the neighborhood and off-street parking requirements will be met, thereby eliminating any negative impacts to on-street parking availability.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood, since the structure maintains a larger setback than the minimum required by code.
5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition will be an economic benefit to the surrounding area.
6. The proposed expansion has provided an attached one-car garage which complies with applicable off-street parking standards of the zoning ordinance.
7. The general appearance of the proposed building or structure; or modification thereof is in keeping with the character of the neighborhood through similar materials and will be to the rear of the property which will be out of sight from the street of access.
8. The proposed building or structure; or modification thereof will not be detrimental to adjacent real property as the addition will still be a single story with the minimum number of windows required.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-05 and Minor Modification 06-07 shall not be valid for any purpose. Use Permit 06-17 and Minor Modification 06-07 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Minor Modification for an addition shall be built according to plans approved by the Planning Commission on July 18, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100

feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Department of Public Works – (650) 616-7065

8. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
9. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
10. Paint address number on face of curb near driveway approach. Black lettering on white background.
11. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
12. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
13. If increased, applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/080/110
14. City approved backflow required for domestic / irrigation. Include calculations showing existing or new meter size will be sufficient for required flow. Show location of backflow unit(s) on plans. California Code of Regulations Title 17, U.P.C. 603, S.B.M.C. 10.14.110

Fire Department - (650) 616-7096

15. Provide minimum 4" illuminated address numbers.
16. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
17. Provide spark arrestor for chimney.
18. Provide NFPA 13D fire sprinkler system in addition and garage. Provide a pilot head in attic. Recommend sprinklers in existing home.
19. Provide a water flow alarm using an exterior rated horn and strobe, visible from the street. Delay the alarm 45 to 60 seconds. Include in electrical permit.
20. The Fire Sprinkler System will require separate plans and permit.
21. Please include these conditions on your plans when submitting.

Chair Mishra advised of a 10-day appeal period.

3. 1850 Monterey Drive

Request for a Use Permit to allow the construction of an addition to an existing residence, which increases the gross floor area by more than 50% and a Parking Exception Permit to allow tandem parking, per Section 12.200.030.B1 and 12.200.020.B of the San Bruno Zoning Ordinance. Andrew and Carol DeGraca (Applicant/ Owners). UP-06-15,PE-06-04

Associate Planner Yu entered staff report. Comments from 1841 - concerns addition will impact her view. Emails and pictures attached to report. Additionally no view ordinance within the City of San Bruno, Page 7, Second paragraph. Also, 1891 Monterey comments, concerned about parking and that the addition will further impact parking, use for gathering. ***Staff adds additional condition of approval; the property must be cleaned and maintained prior to issuance of a building permit.***

Staff recommends that the Planning Commission approve Use Permit 06-15 and Parking Exception Permit 06-04 based on Findings of Fact (1-7) and Conditions of Approval (1-17).

Chair Mishra asked Commission if there were any questions for staff.

Commissioner Petersen: The photos are a product sent with an email, correct.

Associate Planner Yu: Correct.

Commissioner Petersen: opinion is that the views are grossly misleading; these are pictures that show a projected view after expansion, taken from different vantage points, questions accuracy.

Associate Planner Yu: Responded that staff, upon inspection, doesn't believe impact will be that great. The full view is not impacted as shown in the pictures.

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced Andrew Degraca, wanting to expand with family growing up.

Commissioner Johnson: Have you read and agree with the conditions?

Applicant: yes, will take care of the new condition as well. Will obtain dumpsters.

Commissioner Johnson: are you willing to comply

Applicant: yes.

Public Comment opened.

Public Speaker #1: Robin, 1840 Monterey, concern with extension in backyard, extending 26 feet from the existing house. The existing deck is 8 feet long, if they extend 26 feet, it will be 2 decks and the height of the house is close to wires. Has some photos to present. (Presented to commission). This 20 foot extension –blocks the landmark on SSF. If the extension granted, all house have 180 degree view, lose value. My house is affected. House that size in this area 2000 square feet, is this compatible with the area?

Commissioner Petersen: To applicant, are these pictures taken from your deck?

Public Speaker #1: Responded, yes,

Commissioner Petersen: warns owner that deck is in poor shape.

Commissioner Marshall: you don't have any pictures straight out the deck, if you are sitting in your living room looking out the window, what is there. Your view is unobstructed correct?

Public Speaker #1 disagreed, when standing on deck, the house on the left, with extension will block the view.

Commissioner Marshall: only thing blocked is looking into their yard. You need to show us the whole scenario.

Public Speaker #2: Dale, 1891 Monterey, wrote communication about this application. Parking is severely impacted by church and school. The primary concern is public meetings that may take place at this property. Have noticed a spill over from the school, whether friendly get togethers, unsure. Have exasperated the parking in the evenings. Has had extensive communications with PW with parking on the street, so far, no solutions.

Commissioner Johnson: do you have anything documenting gatherings.

Public Speaker #2: Concern about two projects right next to each other, doing the same thing adding same space. Worried about the parking between the 2 properties expanding.

Commissioner Johnson: There are procedures in place that you can contact the city for nuisances.

Public Speaker #2: Has had extensive conversations with PW

Commissioner Johnson: are there activities with the church and the school?

Public Comment closed.

Back to Commission for Discussion.

Commissioner Chase: to staff, on building setback, is this correct?

Associate Planner Yu: yes, the entire property is 300+ feet.

Commissioner Sammut: looking at the item we just approved, and this, on the prior app from the fire dept,

Associate Planner Yu: Responded – can add.

Commissioner Sammut: stormwater, delete "any other onsite"

Associate Planner Yu: delete from master.

Commissioner Sammut: the planting, for everyone

Planning Manager Akin: believes it is based on percentage

Commissioner Sammut: check into and report at next meeting.

Planning Manager Akin: fire flow, isn't enough to fight fires in the older areas.

Commissioner Chase: only for the amount of flow, the sprinklers, it is solely based on what we responded.

Planning Manager Akin: as of right now, that is what FD based on.

Motion to approve Use Permit 06-15 and Parking Exception 06-04 based on Findings of Fact (1-7) and Conditions of Approval (1-18).

Commissioner Sammut/Petersen

VOTE: 7-0

AYES: Mishra, Biasotti, Sammut, Petersen, Chase, Johnson and Marshall
NOES:
ABSTAIN:
ABSENT:

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since all construction will meet the Uniform Building Code and attain all appropriate Building Division permits.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the expansion is in scale with the neighborhood and off-street parking requirements will be met, thereby eliminating any negative impacts to on-street parking availability.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood, since the structure maintains a larger setback than the minimum required by code.
5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition will be an economic benefit to the surrounding area.
6. The proposed expansion has provided three car garage parking spaces, which complies with applicable off-street parking standards of the zoning ordinance.
7. Parking exception permit to allow tandem parking is warranted due to the topography of the property and the existing floor plan.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-15 and Parking Exception 06-04 shall not be valid for any purpose. Use Permit 06-17 and Minor Modification 06-07 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.

3. The request for a Use Permit and Parking Exception for an addition shall be built according to plans approved by the Planning Commission on July 18, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Department of Public Works – (650) 616-7065

8. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
9. No fence, retaining wall, or other permanent structure to be placed within 5'-6" from back of sidewalk. S.B.M.C. 8.08.010
10. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
13. Storm water from new and existing roof down-spouts ~~and other on-site drainage~~, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
14. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department - (650) 616-7096

15. Provide minimum 4" illuminated address numbers.
16. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
17. Provide spark arrestor for chimney.

Chair Mishra advised of a 10-day appeal period.

4. 1860 Monterey Drive

Request for a Use Permit to allow the construction of an addition to an existing residence, which increases the gross floor area by more than 50%, per Section 12.200.030.B1 of the San Bruno Zoning Ordinance. Mario Lopez UP-06-16; PE-06-05

Associate Planner Yu entered staff report. Add condition that existing wall between family room and playroom be opened up, to avoid potential second unit as shown in the proposed plans.

Staff Recommends approval of Use Permit 06-16 and Parking Exception 6-05 based on Findings of Fact (1-7) and Conditions of Approval (1-18).

Chair Mishra asked Commission if there were any questions for staff.

Commissioner Petersen: The wall is the one that has a note "wall removed"

Associate Planner Yu: Correct, when staff visited site, only a small opening, a door, proposing instead of having it opened.

Commissioner Petersen: There is a family room

Associate Planner Yu: correct

Associate Planner Yu: We want a condition that the wall is removed.

Commissioner Petersen: zoning does not provide that we condition how many bedrooms a house has, but we can identify a space for potential illegal use?

Associate Planner Yu: staff sees there is potential for a possible illegal unit, staff requests redesigning.

Commissioner Petersen: is there plumbing?

Associate Planner Yu: not seen on the plans.

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced Mario Lopez, since 1994. Lived with wife and 2 kids.

Commissioner Marshall: Address whether you are related to other project.

Applicant: No

Commissioner Marshall: do you hold public gatherings?

Applicant: no

Commissioner Marshall: can you remove the wall?

Applicant: there is an existing door, simply stating that removing the wall will have structural issues, since it is a bearing wall, willing to remove windows and have an arch opening. Removing wall is a mistake. On Page 5, item 3 – not proposing, current is stucco. The property has a lot of trees; clarify if this is to be installed in the front or the back?

Planning Manager Akin: you can choose front or back or pay the fee.

Applicant: waiting for tree for 5 years

Planning Manager Akin: this is independent.

Chair Mishra: this requirement must be satisfied.

Commissioner Johnson: the back doesn't reflect the same design as the front.

Applicant: working with architect to match the front and back.

Commissioner Johnson: are you doing anything with the front

Applicant: yes

Commissioner Johnson: it is not reflected in these plans.

Applicant: happy to take that as condition of approval.

Planning Manager Akin: if there are revisions, we will bring it to ARC for approval.

Commissioner Petersen: Staff is recommending that interior wall be removed, even bearing, it can still be done, but what was the original plan, did you plan to leave wall and cover windows?

Applicant: planned on covering, with garage had to alter plans

Commissioner Petersen: you had a different arrangement until the garage made bigger

Applicant: yes

Commissioner Petersen: want joined family room and play area

Applicant: there are existing windows

Commissioner Petersen:

Applicant: original

Commissioner Petersen: what is your preference?

Applicant: keep opening, similar to 1850 property.

Commissioner Petersen: realize you may have potential resale issues.

Applicant: not planning to sell, just wants to make it nice.

Commissioner Marshall: the plans show no wall, plans presented have no wall

Applicant: planning to revise.

Commissioner Marshall: Conditions opposite

Public Comment opened.

Public Comment closed.

Back to Commission for Discussion.

None

Motion to approve Use Permit 06-16 and Parking Exception 06-05 based on Findings of Fact (1-7) and Conditions of Approval (1-18). Item 13 remove the words

Commissioner Sammut/Marshall

VOTE: 7-0

AYES: Mishra, Biasotti, Sammut, Chase, Johnson, Marshall, Petersen

NOES:

ABSTAIN:

ABSENT:

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since all construction will meet the Uniform Building Code and attain all appropriate Building Division permits.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given the expansion is in scale with the neighborhood and off-street parking requirements will be met, thereby eliminating any negative impacts to on-street parking availability.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood, since the structure maintains a larger setback than the minimum required by code.
5. That the general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition will be an economic benefit to the surrounding area.
6. The proposed expansion has provided three car garage parking spaces, which complies with applicable off-street parking standards of the zoning ordinance.
7. Parking exception permit to allow tandem parking is warranted due to the topography of the property and the existing floor plan.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-16 and Parking Exception 06-05 shall not be valid for any purpose. Use Permit 06-16 and Parking Exception 06-05 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
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4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100

feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Department of Public Works – (650) 616-7065

8. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
9. No fence, retaining wall, or other permanent structure to be placed within 5'-6" from back of sidewalk. S.B.M.C. 8.08.010
10. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
13. Storm water from new and existing roof down-spouts ~~and other on-site drainage~~, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
14. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way. S.B.M.C. 8.24.140/150/180.
15. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department - (650) 616-7096

16. Provide minimum 4" illuminated address numbers.
17. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
18. Provide spark arrestor for chimney.

Chair Mishra advised of a 10-day appeal period.

F. Discussion

1. City Staff Discussion

Planning Manager Akin: Requests not forgotten on list, will get soon.

Beilin Yu, last day of employment July 28th, accepted position with City of Pasadena

Commissioner Johnson: Wish Beilin well, did an excellent job, best wishes and good luck.

Chair Mishra: To Associate Planner Yu. Miss you here and bike and pedestrian committee.

Selection for Aug 10 ARC – Mishra, Biasotti and Sammut.

2. Planning Commission Discussion

Working with City attorney for resource issues to satisfy planning commission requirements and process

Commissioner Petersen: To staff, complimenting staff reports, improvement over the last 6 months, more legal oriented and how easily found. Good approach and helpful.

G. Adjournment

Meeting was adjourned at 9:24 pm

Tambri Heyden

Secretary to the Planning Commission
City of San Bruno

Sujendra Mishra, Chair

Planning Commission
City of San Bruno

NEXT MEETING: August 15, 2006

TH/ch



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Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Aaron Aknin, AICP, *Planning Manager*
Tony Rozzi, *Assistant Planner*
Lisa Costa Sanders, *Contract Planner*
Margaret Netto, *Contract Planner*
Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Perry Petersen
Joe Sammut

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. E1
July 18, 2006**

PROJECT LOCATION

1. Address: 373 Taylor Avenue
2. Assessor's Parcel No: 020-372-070
3. Zoning District: R-2 (Low Density Residential)
4. General Plan Classification: Low Density Residential
5. Project is located in the San Bruno Redevelopment Project Area

EXHIBITS

- A:** Site Location
B: Site Plan, Floor Plan and Elevations
C: Survey of Record
D: San Mateo County Assessor Record
E: Staff Report for previously approved projects (UP-04-01; V-04-01; PE-04-04)

REQUEST

Request for a Variance to allow both side yard setbacks to not meet requirements by more than two feet per Section 12.124.010.B of the San Bruno Zoning Ordinance. Xiao Yun Chen (Owner/ Applicant). **V-06-02**

RECOMMENDATION

Staff recommends that the Planning Commission **approve** Variance 06-02 based on Findings of Fact (1-3) and Conditions of Approval (1-21).

REVIEWING AGENCIES

Community Development Department
Public Works Department
Fire Department

REQUIRED LEGAL NOTICE

1. Notices of Public Hearing mailed to owners of property within 300 feet on August 4, 2006.
2. Advertisement published in the *San Mateo Times*, Saturday, August 5, 2006.

ENVIRONMENTAL ASSESSMENT

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines

Class 1, Section 15301: No Expansion to Existing Facilities.

EXISTING CONDITIONS

The subject property is located in the Cupid's Row section of San Bruno Park 3rd Addition, midblock of Taylor Avenue. This substandard, 1,839 square foot parcel is currently razed and has begun the approved foundation on the property. The subject lot is irregularly shaped with the measurements of 25 feet wide in the front and narrowing to 20.79 feet in the rear. The lot is 80 feet deep (please see attached Survey of Record – Exhibit C).

SURROUNDING LAND USES

North: Martin Place – R-2 (Low Density Residential)
 South: Kensington Avenue – R-2 (Low Density Residential)
 East: Florida Avenue – R-2 (Low Density Residential)
 West: Mastick Avenue - R-2 (Low Density Residential)

PROJECT DESCRIPTION

The applicant is requesting a variance permit to allow both proposed side setbacks to not meet the minimum setback requirement by more than two feet. The proposed setbacks would be 2'-2" on the right side and 0'-1" on the left side, essentially building the home on the eastern property line. Required side setbacks for this property are 3'-0" on the east and west sides.

The table below summarizes and compares the zoning guidelines with the existing and proposed conditions, given the new lot dimensions:

| SITE CONDITIONS | | ZONING REQUIREMENTS | EXISTING CONDITIONS | PROPOSED CONDITIONS |
|--------------------------|--------------------------|---|--|---|
| Land Use | | Low Density residence | Single-Family Residence | Same |
| Lot Area | | 5,000 sq.ft. | Actual: 1,838.5 sq. ft. Adjusted: 2,206 sq. ft. * | Same |
| Lot Coverage | | 1,213 sq. ft. (55%) (% based on 2,206 sq. ft. lot) | 528 sq. ft. (24%) (% based on 2,206 sq. ft. lot) | 1,273 sq. ft. (58%) (% based on 2,206 sq. ft. lot) |
| Gross Floor Area | | 1,213 sq. ft. | 528 sq. ft. | 2,161 sq. ft. |
| Floor Area Ratio | | .55 | .24 | .98 |
| Building Setbacks | Front | 15'-0" | 9' | 9' |
| | Rear | 10'-0" | 45' | 10' (from house) 4' (from 2nd story deck) |
| | R Side L Side | 3'-0" | 8'10" (R) 1'2" (L) | 2'-2" (West) 0'-1" (East) |
| Building Height | | 28' (above sidewalk) | n/a | 25' |
| Covered Parking | | 2 covered spaces | No garage | 2 car garage (tandem parking) |

Proposed conditions that require a variance are in bold

* Lots under 5,000 sq. ft. in R districts are substandard lots per Section 12.80.290.H.1 of the San Bruno Zoning Ordinance. For substandard lots up to 2,500 sq. ft., there is an adjustment factor of 1.2 for the purpose of calculating the lot coverage and floor area ratio per Section 12.200.050.A and B.

ARCHITECTURAL REVIEW COMMITTEE

None required given the request is for a Variance to a previously approved project, whose architectural design has not changed.

ADDITIONAL INFORMATION

- **Accessory Structures**: This property has no pending accessory structures.
- **Code Enforcement**: This property has no pending code enforcement cases on file.
- **Easements**: Per the subdivision maps on file in the Public Work Department there are no easements on site.
- **Heritage Trees**: This property has no heritage trees.
- **Previous additions or alterations**: There are no previous alterations or additions on file.

PROJECT ANALYSIS

This proposal is before the Planning Commission due to an error with the property records, namely the site map and the correct dimensions of the lot. During the original submittal for a variance, use permit and parking exception in July of 2004, the applicant submitted a parcel map that showed the property dimensions as having a 25'-0" width and 80'-0" length. County records indicated the same measurements.

The proposed three-bedroom, three-bathroom home was approved at the July 20, 2004 Planning Commission hearing (See Exhibit E) and the applicant began demolition and construction work in September 2005. During the setback inspection by one of the Building Division Inspectors, it was noticed that the property lines did not match up with the approved set of plans. Consequently, the Community Development Department required a Survey of Record be submitted for staff review (See Exhibit C). Staff has since found that the Survey of Record indeed shows that the property lines narrow to the rear of the property. While the property is 25'-0" at the front property line, the rear property line decreases in width to 20'-9" in the rear. At the point where the proposed building ends, which measures 19'-0" wide, the property is 21'-2" wide. This leaves 2'-2" of setback, which is almost entirely on the west (right) side of the proposed building. The east (left) setback is at approximately 0'-1". The rear setback remains at 10'-0". The lot now has a revised area of 1,839 square feet, reduced from the 2,000 square foot lot as reviewed in 2004.

While the subsequent lot coverage and floor area ratio calculations have changed due to the now smaller property dimensions, the home will remain the same size as approved at the 2004 Planning Commission hearing. This application will therefore focus solely on the variance permit request.

Because the two side setbacks now fail to meet the required 3'-0" setback (as was proposed in the original application), a variance request to the Planning Commission is required. Staff finds this is one of the unique circumstances where findings for a variance can be made, since the property now faces an even more significant size disadvantage relative to other homes.

Staff is requesting that the applicant revise the proposal to meet the minimum 3'-0" side setback on the western side of the property in order to better mitigate the impact on the adjacent property. Additionally, meeting the side setback requirement would allow for adequate access by the Fire or Police Departments during emergencies as well as allow the applicant to install windows on the entire western end. Currently, the proposal would not allow windows at the end of the building's western side due to fire-rating requirements for a setback of less than 3'-0".

Pursuant to the City's Zoning Code, the Commission shall grant the variance permit if it makes the following findings (required findings are in **bold** followed by staff's analysis):

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

While the subject property has a depth of 80'-0", the standard lot in San Bruno has a depth of 100'. Additionally, while the standard lot width is 50'-0" in San Bruno, the subject property measures 25'-0" at the front and 20'-9" in the rear. Due to the substandard lot depth and width, it would be unreasonable to require the applicant to have both a 9' front yard setback (previously approved), a 10' rear setback and a 3'-0" side setback on both sides of the property. Considering the proposed home is 61'-0" deep and will provide a two-car tandem garage, which requires a 40'-0" length, the request to not meet the required side setback is a special circumstance.

The applicant is proposing to construct a 2,161 square foot three-bedroom, three-bathroom home with a two-car garage that is a typical size for new homes in San Bruno. A burden is placed on the property owner because of the small size and narrow width of the parcel. In order to build an adequately sized single family home and to meet the code requirement to provide two covered parking spaces, the parking configuration must be for tandem parking, causing the home design to push back to the minimum 10'-0" rear setback. At that location, with a home that is 19'-0" wide, the property lines narrow dramatically from the front of the property. It would be very difficult to build a home of average proportions and also meet the required 3'-0" side setbacks on both sides, given that the property width is 21'-2" at the end of the proposed home. Given the current configuration of the property, one side of the proposed home will not meet the required 3'-0' setback. Staff finds that the current proposal, along with a revision to meet a 3'-0" setback on the west side, will allow the property to be developed in a practical manner and also meet the zoning code to the fullest extent possible under the existing lot constraints. A revision to meet a 3'-0" side setback will also meet the Fire Department requirements.

2. That the variance granted should be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent

with the limitations upon other properties in the vicinity and district in which the subject property is located.

Staff finds that in this particular case, strictly applying the side setback requirements would put undue hardship on the development of the property. Since the property is more shallow and narrow than the average lot length and width and the lot is substantially smaller than the minimum required by the Zoning Code, the strict application of the side setback requirement would deprive the subject property of privileges enjoyed by other properties in the vicinity. Other similarly configured properties typically receive the same privilege to create adequately sized living spaces that are consistent with the architecture and scale of their neighborhood. Referring to the attached County Assessor Document (Exhibit D), the properties at 449, 431, 435, 381 and 363 Taylor Avenue all have substandard side setbacks. Staff finds that approving the proposal at 373 Taylor, which will fail to meet the required 3'-0" side setback on the eastern side, will not grant a special privilege given how many existing homes also have at least one substandard setback.

Additionally, because the size of the home and bedrooms within the home are typical of residences in the City of San Bruno, the granting of the Variance will not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity. Therefore, approving this variance request would not grant the applicant a special privilege.

PUBLIC COMMENTS

None have been received as of the publishing of this report.

FINDINGS OF FACT

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The lot is substantially smaller than the minimum required by the City's Development Code and is uniquely shallow and narrow for the neighborhood, therefore the strict application of the setback requirement will deprive the subject property of privileges enjoyed by other properties in the vicinity.
3. Because redesigning the proposed home's floor plan to meet the required setback would make the use of the lower level bedroom and master suite impractical, the granting of the Variance will not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Variance 06-002 shall not be

valid for any purpose. Variance 06-002 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Variance for the new home shall be built according to plans approved by the Planning Commission on August 15, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Applicant shall revise the proposed plans to meet the required 3'-0" side setback on the western elevation. This will allow for additional architectural elements such as windows as well as create an access for Police and Fire Department emergencies.

Public Works Department – (650) 616-7065

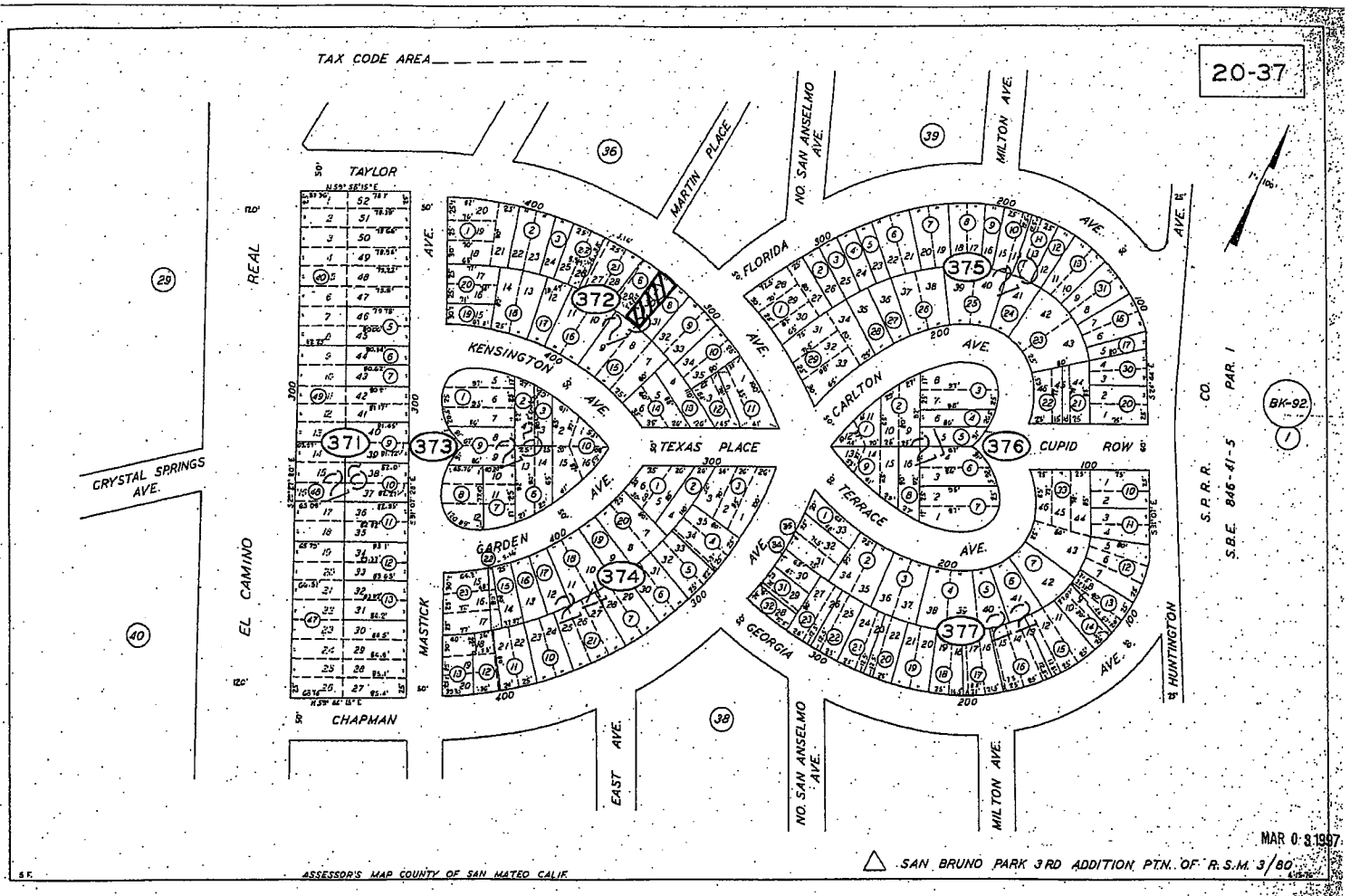
9. No fence, retaining wall, or other permanent structure to be placed within 2'-0" from back of sidewalk. S.B.M.C. 8.08.010
10. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
11. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
12. Paint address number on face of curb near driveway approach. Black lettering on white background.
13. Replace all broken or raised concrete in sidewalk or driveway approach as marked. S.B.M.C. 8.12.010. Marking shall take place under Building Review.

14. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
15. Storm water from new and existing roof down-spouts, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
16. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way. S.B.M.C. 8.24.140/150/180.
17. Planting of one (1) 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department - (650) 616-7096

18. Provide hardwired smoke detectors with battery backup to all bedrooms and corridors/hallways.
19. Provide NFPA 13D Fire Sprinkler System as per San Bruno Municipal Code Section 11.24.070 Article 1003.2.1, an automatic fire sprinkler system shall be installed in all new occupancies.
20. Provide a water flow alarm using an exterior rated horn/strobe, visible from street. Delay the alarm 45 to 60 seconds.
21. Obtain a Fire Sprinkler Permit.

Date of Preparation: July 31, 2006
Prepared by: Tony Rozzi
Assistant Planner

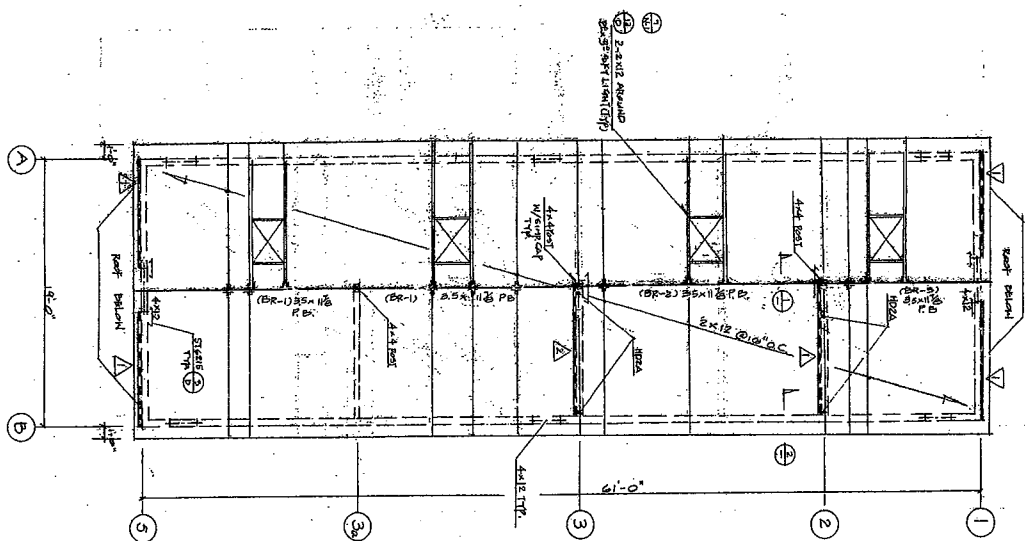


373 Taylor Avenue
020-372-070
V-06-002

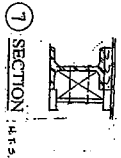
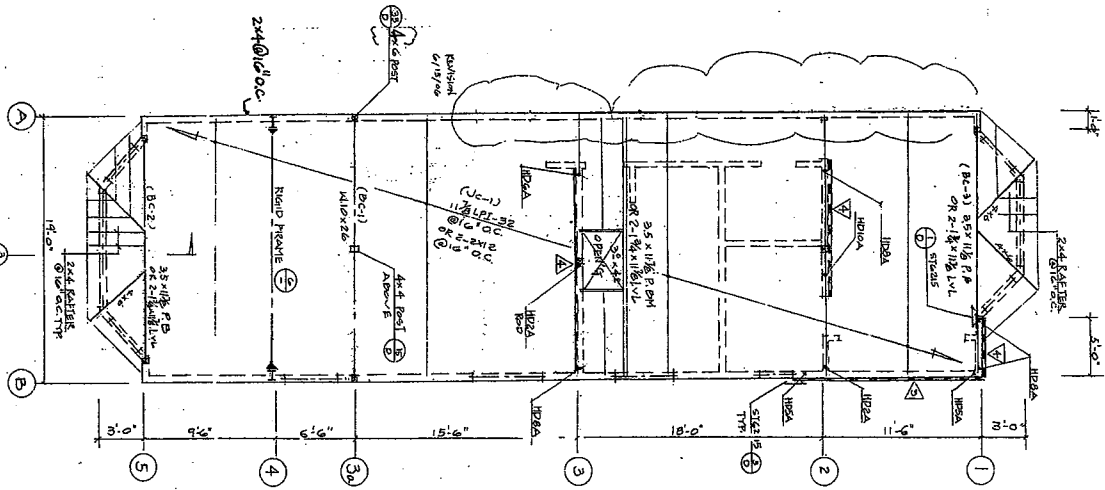
Exhibit A – Site Location

PRINTED ON CALIFORNIA PAPER

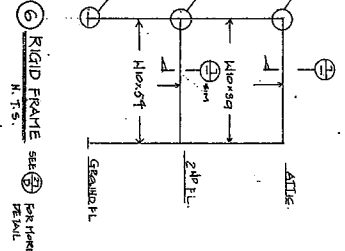
ROOF FRAMING PLAN 4'-11-0"



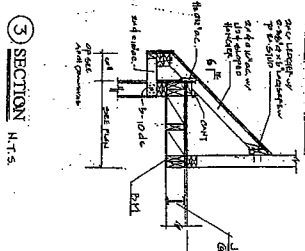
CEILING FRAMING PLAN 4'-11-0"



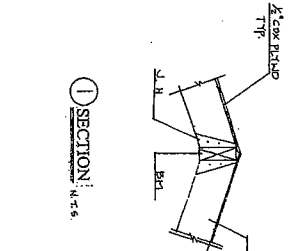
7 SECTION N.T.S.



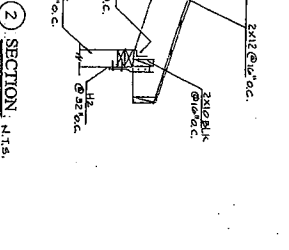
6 RIGID FRAME SEE 6 FOR FRAME DETAIL



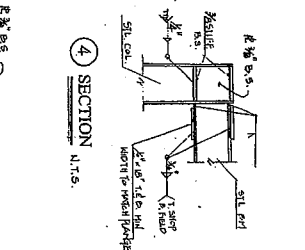
3 SECTION N.T.S.



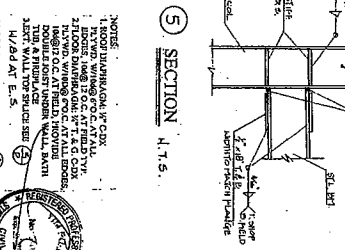
1 SECTION N.T.S.



2 SECTION N.T.S.



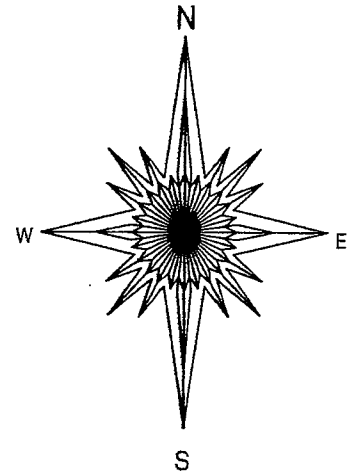
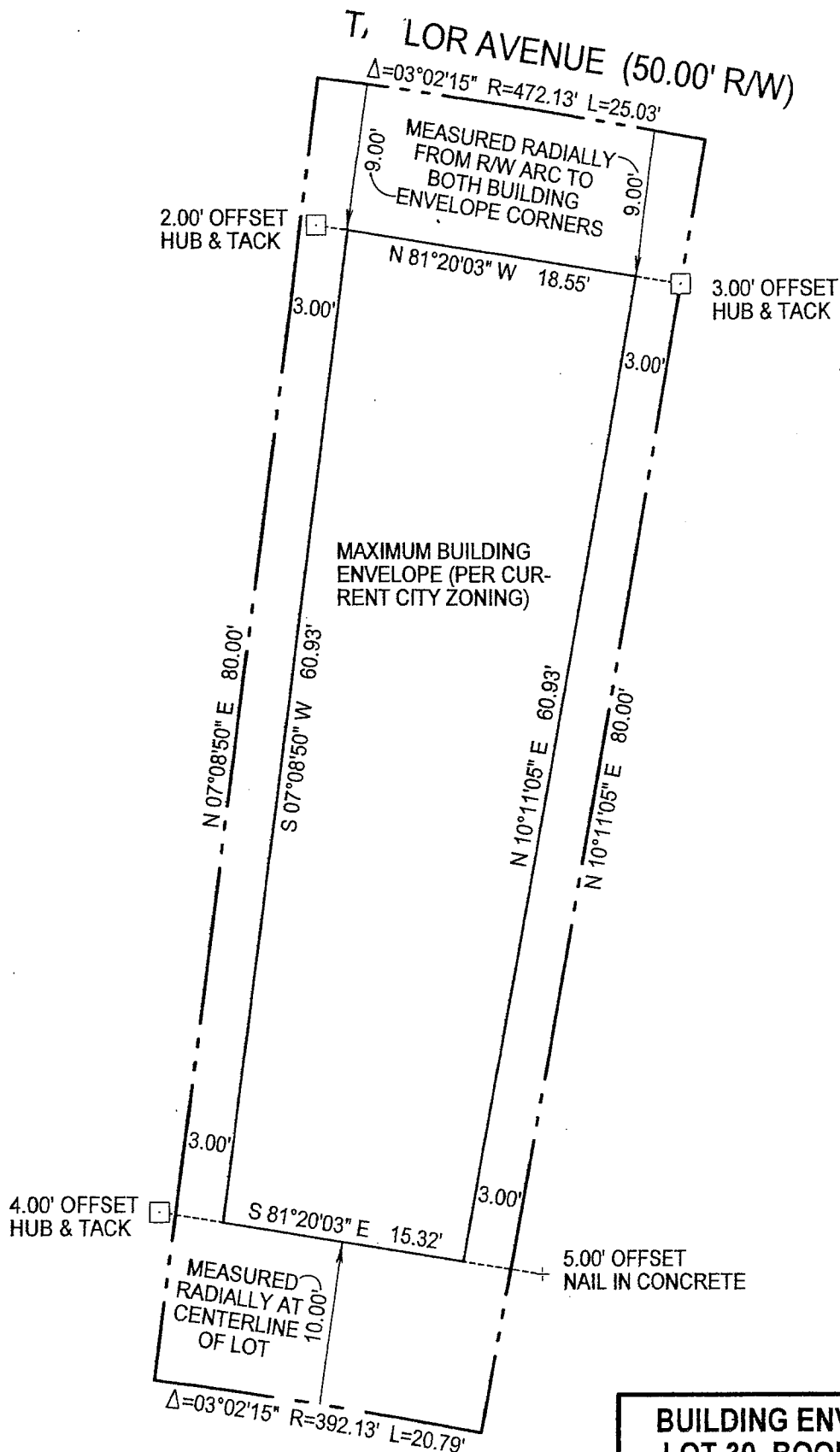
4 SECTION N.T.S.



5 SECTION N.T.S.

NOTES:
1. EXISTING ROOF JOIST TO REMAIN.
2. EXISTING ROOF BEAM TO REMAIN.
3. EXISTING ROOF TRUSS TO REMAIN.
4. EXISTING ROOF BRACE TO REMAIN.
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9. EXISTING ROOF FLOOR BRACE TO REMAIN.
10. EXISTING ROOF FLOOR HANGING TO REMAIN.

| <p>LIU ASSOCIATES 50 RIAL ST #517 SAN BRUNO, CA 94066 TEL (415) 348-8145 FAX (415) 348-8145</p> | <p>ROOF FRAMING PLAN CEILING FRAMING PLAN</p> | <p>PROPOSE NEW BUILDING AT 373-TAYLOR AVE. SAN BRUNO, CA</p> | <p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>REVISION</th> </tr> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> <td></td> </tr> <tr> <td>9</td> <td></td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> <td></td> </tr> </table> | NO. | DATE | BY | REVISION | 1 | | | | 2 | | | | 3 | | | | 4 | | | | 5 | | | | 6 | | | | 7 | | | | 8 | | | | 9 | | | | 10 | | | |
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1"=10'

Roger Clegg
12/31/06

Exhibit C

WESTERN PACIFIC BOUNDARY & SURVEYING
P.O. BOX 2442, REDWOOD CITY, CA 94064-2442
650.787.1878/650.363.8930 fax/ survcleg@att.net

BUILDING ENVELOPE STAKING EXHIBIT
LOT 30, BOOK E OF MAPS, AT PAGE 72
(SAN MATEO COUNTY RECORDS)
A.P.N.: 020-372-070; COMMONLY KNOWN AS
373 TAYLOR AVENUE, SAN BRUNO, CALIF.
BOUNDARY CONTROL IS FROM BOOK 15 OF
LICENSED LAND SURVEYS, AT PAGE 125
(SAN MATEO COUNTY RECORDS)
DATE OF SURVEY: MAY 30, 2006

CITY OF SAN BRUNO

COMMUNITY DEVELOPMENT DEPARTMENT



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
Fax: (650) 873-6749
<http://www.ci.sanbruno.ca.us>

STAFF

Tom Williams, *Community Development Director*
Mark Sullivan, *Housing and Redevelopment Manager*
Aaron Akrin, *AICP, Associate Planner*
Tanya Sullins, *Department Secretary*
Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Perry Petersen, *Chair*
Joe Sammut, *Vice-Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Robert Schindler
Mark Tobin

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. 4
July 20, 2004**

PROJECT LOCATION

1. Address: 373 Taylor Avenue
2. Assessor's Parcel No: 020-372-070
3. Zoning District: R-2 (Low Density Residential)
4. General Plan Classification: Low Density Residential
5. Project is located in the San Bruno Redevelopment Project Area

EXHIBITS

A: Site Location **B:** Site Plan, Floor Plans, and Elevations

REQUEST

Request for a use permit, parking exception and variance to allow construction of a new house that would exceed the .55 FAR guideline, exceed the lot coverage guideline, have a second story whose front plane is not setback five feet from the first story, encroach into the required front yard setback, and proposes tandem parking; per Section 12.200.030.A.1, 12.200.030.A.2, 12.200.040.B.2, 12.96.070.D.4, and 12.200.080.C, of the San Bruno Zoning Ordinance –Jia Yuan Wang, owner; Eddy Cheung (Applicant/Designer); **UP-04-01; VA-04-01; PE-04-04.**

RECOMMENDATION

Staff recommends that the Planning Commission **approve** Use Permit 04-01, Variance 04-01 & Parking Exception 04-04, based on Findings of Fact (1-10) and Conditions of Approval (1-17).

REVIEWING AGENCIES

Community Development Department
Public Works Department
Fire Department

AREA DESCRIPTION

North: Martin Place – R-2 (Low Density Residential)
South: Kensington Avenue – R-2 (Low Density Residential)
East: Florida Avenue – R-2 (Low Density Residential)
West: Mastick Avenue - R-2 (Low Density Residential)

LEGAL NOTICE

1. Advertisement published in the *San Mateo Times*, Saturday, July 10, 2004.
2. Notices of Public Hearing mailed to owners of property within 300 feet on July 9, 2004.

Exhibit E

ENVIRONMENTAL ASSESSMENT

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: In-fill Development Projects.

| SITE CONDITIONS | | ZONING REQUIREMENTS | EXISTING CONDITIONS | PROPOSED CONDITIONS |
|--------------------------|--------------|---|---|--|
| Land Use | | Single-family residence | Single-Family Residence | Same |
| Lot Area | | 5,000 sq.ft. | Actual: 2,000 sq. ft. Adjusted: 2,400 sq. ft. * | Same |
| Lot Coverage | | 1,056 sq. ft. (44%) (% based on 2,400 sq. ft. lot) | 528 sq. ft. (22%) (% based on 2,400 sq. ft. lot) | 1,273 sq. ft. (53%) (% based on 2,400 sq. ft. lot) |
| Gross Floor Area | | 1,320 sq. ft. | 528 sq. ft. | 2,161 sq. ft. |
| Floor Area Ratio | | .55 | .22 | .90 |
| Building Setbacks | Front | 15' | 9' | 9' |
| | Rear | 10' | 45' | 10' (from house) 4' (from 2nd story deck) |
| | Sides | 3' | 1'2" (L) 8'10" (R) | 3' |
| Building Height | | 28' (above sidewalk) | n/a | 25' |
| Covered Parking | | 2 covered spaces | No garage | 2 car garage (tandem parking) |

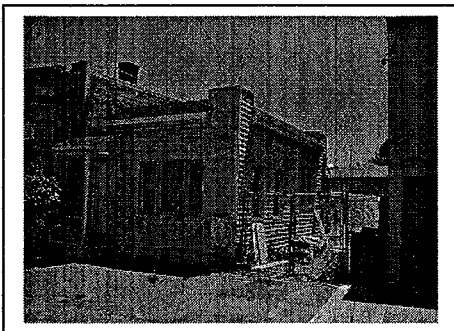
Proposed conditions that require a variance or use permit are in bold.

* Lots under 5,000 sq. ft. in R districts are substandard lots per Section 12.80.290.H.1 of the San Bruno Zoning Ordinance. For substandard lots up to 2,500 sq. ft., there is an adjustment factor of 1.2 for the purpose of calculating the lot coverage and floor area ratio per Section 12.200.050.A and B.

EXISTING CONDITIONS

The subject property is located in the Cupid's Row section of San Bruno Park 3rd Addition, midblock of Taylor Avenue. This substandard, 2,000 square foot parcel is currently developed with a one-story, 528 square foot home with no garage. The subject lot is 25 feet wide by 80 feet deep (please see attached parcel map).

In summary, the property currently consist of the following:



- ❖ 2,000 square foot lot (Adjusted Size: 2,400 square feet)
- ❖ One Story 528 sq. ft. home (48 sq. ft. accessory storage structure in rear)
- ❖ Lot depth of 80'.
- ❖ Mid-block lot within Cupid Row.

PROJECT DESCRIPTION

The applicant proposes to demolish the existing house and construct a new two-story house and garage. If approved and constructed this project would be a 2,161 sq. ft. house with two bedrooms, two bathrooms and a two-car garage with tandem parking.

ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee reviewed the project at its May 13, 2004 meeting and forwarded to the Planning Commission with a favorable recommendation stating the variance request seemed reasonable, and commenting that the applicant has made significant improvements to the scale and appearance of the home.

ADDITIONAL INFORMATION

- **Accessory Structures:** This property has no pending accessory structures.
- **Code Enforcement:** This property has no pending code enforcement cases on file.
- **Easements:** Per the subdivision maps on file in the Public Work Department there are no easements on site.
- **Heritage Trees:** This property has no heritage trees.
- **Previous additions or alterations:** There are no previous alterations or additions on file.

PROJECT ANALYSIS

This proposal is before the Planning Commission for three reasons, to obtain Planning Commission approval for a use permit, a variance and a parking exception to allow the construction of a new house.

Use Permit: the project requires a use permit because the applicant is proposing to construct a new house that exceeds the .55 FAR guideline, exceeds the lot coverage guidelines, and has a second story whose front plane is not setback five from the first story. The project would not exceed any other guideline in Section 12.200 of the San Bruno Zoning Ordinance. The subject proposal calls for a 2,161 square foot home (including the garage),

Staff finds this proposal would not have any adverse impact on the surrounding property. In fact, by proposing to build a new home, the project will remove an obsolescent and substandard structure, and replace it with an attractive home that will enhance the appearance of the neighborhood and provide the required on-site parking. The existing 529 square foot home was built in 1939 and is not adequate for the needs of housing a family, and is currently in great need of repair. The applicant initially proposed to build a larger home, and following the recommendations of staff and the ARC committee, significantly reduced the scale to be more compatible with the surrounding houses.

Staff supports the use permit request because the addition will benefit the City and the surrounding neighborhood through investment in the property and by its conformance to a majority of the regulations as set forth in the Zoning Ordinance. The proposed new home will be an improvement over the existing structure and the upgrades to the property should have a beneficial impact on surrounding property values. Based on the above stated reasons, Staff supports the project.

Variance: the project requires a variance because the house would encroach into the required front setback. Staff finds this is one of the unique circumstances where findings for a variance can be made. Below are the two legal requirements that must be made in order to grant a variance, as well as the fact that supports the finding in this case:

Variance Legal Requirement (1): That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Fact: While the subject property has a depth of 80', the standard lot in San Bruno has a depth of 100'. Due to the substandard lot depth, it would be unreasonable to require the applicant to have both a 15' front yard and 10' rear setback and two car garage. In addition, the proposed 9' front setback is the same as the setback of the existing structure and lines up with the adjacent houses. The proposed new home would not encroach any further into the rear setback, and would meet all other setback requirements.

Variance Legal Requirement (2): That the variance granted should be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.

Fact: The applicant is proposing to construct a 2,161 square foot two-bedroom home with a two-car garage that is a typical size for new homes in San Bruno. A burden is placed on the property owner because of the small size and narrow width of the parcel. In order to build an adequately sized single family home and to meet the code requirement to provide two covered parking spaces, the parking configuration must be for tandem parking, causing the home design to exceed the front yard setback. Other similarly configured properties typically receive the same privilege to create adequately sized living spaces that are consistent with the architecture and scale of their neighborhood. Therefore, approving this variance request would not grant the applicant a special privilege.

Parking Exception: the project requires a parking exception because the applicant proposes to provide two-car tandem parking. The Planning Commission can grant a parking exception for tandem parking provided that the applicant demonstrates a hardship with the parking standard applied to the parcel in question. Staff believes that because of the narrow width the parcel (20'), side-by-side parking is be feasible, and in order to meet the requirement for two covered parking spaces for a two-bedroom dwelling, tandem parking is a reasonable solution. In addition, the single garage door with adjacent entryway creates a more pleasing front elevation design.

FINDINGS FOR APPROVAL

1. That because of the substandard depth of this lot, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. That the variance granted should be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
3. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, July 10, and notices were mailed to property owners within 300 feet of the project site on July 9, 2004.
4. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
5. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
6. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: In-fill Development Projects.

7. The general appearance of the new home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
8. The proposed new home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
9. The construction of the new home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
10. The off-street parking will be adequate for the residence. This is achieved through a covered two car tandem parking garage and driveway area with curb cuts that can accommodate one vehicle.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-9):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-01, Variance 04-01 and Parking Exception 04-04 shall not be valid for any purpose. Use Permit 04-01, Variance 04-01 and Parking Exception 04-04 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for a Use Permit, Variance and Parking Exception for a new home shall be built according to plans approved by the Planning Commission on July 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

8. A landscape plan shall be submitted with the building division set of drawings. This landscape plan shall be approved by the Planning Division prior to issuance of a building permit. All landscaping shall be installed prior to final approval of the home.
9. No combustible construction within 3 feet of the property line unless fire rated.

FIRE DEPARTMENT CONDITIONS (10-12)

10. Provide NFPA 13D fire sprinkler system throughout the entire residence to the satisfaction of the Fire Chief due to lack of fire access between buildings.
11. Provide hardwire smoke detectors that interconnect.
12. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

PUBLIC WORKS CONDITIONS (13-17)

13. An encroachment permit shall be obtained through the Public works Department prior to issuance of the Building Permit.
14. Install a sanitary sewer lateral clean-out per City standards.
15. Storm water from new roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
16. Replace all broken or raise concrete sidewalk or driveway approach as marked.
17. No fence, retaining wall, or other permanent structure shall be placed within 2.0' from the back of the sidewalk.

Date of Preparation: July 12, 2004
Prepared by: Mark Sullivan, AICP
Housing & Redevelopment Manager



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STAFF

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PLANNING COMMISSION

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Perry Petersen
Joe Sammut

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. E2
AUGUST 15, 2006**

PROJECT LOCATION

1. Address: 649 Sixth Avenue
2. Assessor's Parcel No: 020-173-050
3. Zoning District: R-1 (Single Family Residential District)
4. General Plan Classification: Low Density Residential
5. Property is located in San Bruno Redevelopment Area

EXHIBITS

- A: Site Location
B: Site Plan, Floor Plans and Elevations
C: Photos

REQUEST

Request for a Use Permit to allow the construction of an addition which increases the gross floor area by more than 50% per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance. Rafael Gutierrez (Owner/Applicant) **UP-06-18**

RECOMMENDATION

Staff recommends that the Planning Commission **approve** Use Permit 06-18 based on Findings of Fact (1-7) and Conditions of Approval (1-17).

REVIEWING AGENCIES

Community Development Department
Public Works Department
Fire Department

LEGAL NOTICE

1. Notices of Public Hearing mailed to owners of property within 300 feet on August 4, 2006
2. Advertisement published in the *San Mateo Times*, Saturday, August 5, 2006

ENVIRONMENTAL ASSESSMENT

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor Expansions to Existing Facilities.

EXISTING CONDITIONS



The subject property is located on the west side of Sixth Avenue, south of Pine Street and north of East Angus Avenue, in the Belle Air Park Subdivision. (Please refer to Exhibit A, Site Location). This is a rectangular-shaped lot (37.5' width x 100' depth) with a total lot size of 3,750 square feet.

Currently, the property is developed with a 1,190 square foot one-story single-family residence, including 2 bedrooms and 1 bathroom with an attached one-car garage. The living area is 915 square feet and the garage is 275 square feet.

This home was built in 1948. The neighborhood that surrounds the subject property contains a consistent type of residential architecture style, incorporating stucco finish and asphalt shingle roofs, given that the area was developed at roughly the same time.

SURROUNDING LAND USES

North: Pine Street - R-1 Zone, single-family residences
South: East Angus Avenue - R-1 Zone, single-family residences
East: Seventh Ave - R-1 Zone, single-family residences
West: Fifth Avenue - R-1 Zone, single-family residences

PROJECT DESCRIPTION

The proposed project includes a second story addition located above the footprint of the existing residence. Specifically, the second story addition is proposed to be 857 square feet.

Within the first story, the interior remodel consists of adding a stairway within the existing living room to access the new second story and remodeling the front entry porch area. The new second floor will accommodate a new living room, two new bedrooms and one new bathroom. If approved and constructed this would be a 4-bedroom, 2-bathroom home. The table below summarizes and compares the zoning guidelines with the existing and proposed conditions.

| Site Conditions | Zoning Requirements | Existing Conditions | Proposed Conditions |
|--------------------|-------------------------|-------------------------|---------------------|
| Land Use | R-1, Single Family Res. | R-1, Single Family Res. | Same |
| Lot Area Min. | 5,000 | 3,750 | Same |
| Adjustment factor | 1.0 | 1.08 | Same |
| Adjusted Lot Area | 5,000 | 4,050 | Same |
| Lot Coverage * | Max. 1,782 | 1,190 | Same |
| Lot Coverage % | 44% | 29% | |
| Gross Floor Area * | Max. 2,227.5 | 1,190 | 2,047 |
| Floor Area Ratio | 0.55 | 0.29 | 0.51 |
| Building Setbacks | Front | Min. 15' | 15' |
| | Rear | Min. 10' | 30' |
| | North Side | Min. 3'-9" | 5' |
| | South Side | Min. 3'-9" | 6'-2" |
| Building Height | Max. 28' | 14' | 24' |
| Covered Parking | 1 covered space | 1 covered space | 1 covered space |

Notes:

- Lot coverage and floor area calculations are based on the adjusted lot area (4,050 square feet)
- On any substandard lot which qualifies as a building site, the width of each side yard may be reduced to ten percent (10%) of the width of such parcel, but in no case less than 3 feet.

Square Footage Breakdown:

| | First Floor | Second Floor | Garage | Total |
|----------|-------------|--------------|--------|-------|
| Existing | 915 | - | 275 | 1,190 |
| Proposed | - | 857 | - | 857 |
| Total | 915 | 857 | 275 | 2,047 |

ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee (ARC) reviewed the project at its July 29, 2006 meeting, and forwarded the project to the Planning Commission with a favorable recommendation and the following comments:

- Bring color and material samples to Planning Department prior to PC meeting.
- Provide articulation on the side elevations between the 1st and 2nd story to break up the mass of the proposed addition. Staff has suggested roof eyebrows or a decorative band.
- Expand second story deck for architectural detail.

Commissioners Marshall and Chase were present for this item.

Since the Architectural Review Committee meeting, the applicant has redesigned the rear deck to expand the entire width of the addition and has added a decorative band between the 1st and 2nd story as requested by the Committee.

ADDITIONAL INFORMATION

- **Accessory Structures**: There are no accessory structures located on the property.
- **Code Enforcement**: There are no pending code enforcement cases on file on this property.
- **Easements**: Subdivision maps on file in the Public Work Department indicate that there are no easements on this site.
- **Heritage Trees**: There are no heritage trees onsite that will be affected by this proposal.
- **Previous additions or alterations**: None.

PROJECT ANALYSIS

This proposal is before the Planning Commission to obtain approval of a Use Permit to allow the construction of an addition, which proposes to increase the floor area by more than 50%. Section 12.200.030.B.1 of the City's Zoning Code states that a Conditional Use Permit shall be required for "expansions to an existing single family residential structure, which proposes an increase in the gross floor area by more than fifty percent." The applicant is proposing an 857 square foot addition to a 1,190 square foot residence; a 72% expansion.

The applicant has designed the home to meet all residential addition guidelines except for the expansion of more than 50%.

Pursuant to the City's Zoning Code, the Commission shall grant the use permit if it makes the following findings (required findings are in **bold** followed by staff's analysis):

1. **The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.**

With the condition that the applicant obtain a building permit prior to construction, the addition will be constructed according to the Uniform Building Code and therefore will not be detrimental to the health, safety and general welfare of the persons residing in the neighborhood. The proposed structure will also be constructed with sufficient distance from the property lines to provide for fire safety construction and egress requirements. Therefore, the development will not be detrimental to the health and safety of the persons residing in the neighborhood.

2. **The proposed development will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.**

Architecturally, the applicant is proposing a two-story Mediterranean style home, with stucco columns around the new entry porch, and stucco finish with a stone veneer base. Although the design is atypical in this neighborhood, it is an improvement to the modest and well-maintained neighborhood, which is comprised of eclectic, craftsman-style homes.

The proposed addition generally complements the current neighborhood design, both in scale and with its architectural features and is consistent with the permitted uses of a low-density residential neighborhood. With the given proposal for expansion, on-street parking in the neighborhood area should not be negatively impacted due to the low-density in the immediate area.

The proposed addition will benefit the City and the surrounding neighborhood through investment in the property and by its conformance to all of the regulations set forth in the zoning ordinance. The proposed addition will be an improvement to the existing structure and the upgrades to the property should have a beneficial impact on surrounding property values. Staff finds that the addition will not be detrimental to improvements in the neighborhood or to the general welfare of the city.

3. The proposed development will be consistent with the general plan.

Goal 3 of the City's 1984 General Plan states "encourage public and private development which is aesthetically sensitive to the surrounding environment and is of the highest quality design and construction." The addition has been designed with the highest quality by providing articulation in the front roof design to add interest to the residence's architectural character and by adding an architectural feature between the first and second story addition to break up a two-story wall. As such the development will be developed with the highest quality design and construction, and the proposed project will be consistent with the City's General Plan Goal 3.

Furthermore, Residential Policy 1 states "protect the residential character of existing residential neighborhoods." The addition is proposed with finished materials that are found in the immediate neighborhood and is well below the maximum height limit for the zoning district.

The San Bruno General Plan designates the property as single-family residential and the proposed addition to the structure is consistent with the residential general plan designation.

4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.

The proposed structure will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood since the structure will maintain a larger distance from the property lines than the minimum rear and side setback requirements, as well as remaining well below the maximum height limit of 28 feet. The roof design also incorporates hip roofs, which create less shadow on adjacent properties due to their sloped design.

5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.

The character of the new structure will be consistent with the scale and design of the other homes in the immediate neighborhood and is generally pleasing in its architectural design. The front elevation is articulated with varying wall planes, which breaks up the apparent mass of a two-story structure and better integrates the two-story structure with the surrounding single story residences.

The applicant proposes to finish the structure with stucco and composition shingle roof material, which are finished materials utilized on the surrounding homes. The applicant is also proposing a stone veneer base and although this finished material is not very common in the neighborhood, it will enhance the architecture of the residence and add visual interest to the new structure.

Also, based on the Architectural Review Committee meeting discussion, in order to break up the sidewalls, the applicant has added a decorative band between the first and second story. This architectural feature will break up the two story walls and provide articulation to the proposed structure as viewed from the adjacent properties.

Staff had concerns with the proposed rear exterior stairway leading from the rear yard to the proposed second story balcony. This exterior stairway could serve as a separate entrance to the new second floor allowing the second floor to be easily converted into a second unit. Without the exterior stairway, the only way to access the second floor will be through the proposed interior stairway within the existing living room. During the Architectural Review Committee meeting, the applicant explained the proposed rear door would provide the only access to the rear yard from the house. The applicant also agreed to expand the proposed rear yard deck the full width of the house which would provide additional outdoor living space. Given the applicant's explanation and Condition #6, which precludes renting out any portion of the residence and states, "The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit", Staff and the Committee felt that access to the rear yard would be beneficial to the project. Therefore, the condition will discourage the use of the second floor as a second unit.

The construction of the addition will benefit the City and the surrounding neighborhood through investment in the property. The proposed residence will be an improvement not only to the subject property, but also have a beneficial impact on adjacent property values as well.

6. The proposed expansion complies with applicable off-street parking standards of the zoning ordinance.

The subject property contains an attached one-car garage and the proposal does not call for an expansion of the garage facilities. Because the total living area (excluding the garage) is 1,772 square feet, the application does not exceed the City's 1,825 square foot parking guideline for expanded off-street parking facilities. With the given proposal for expansion, on-street parking in the neighborhood area should not be negatively impacted due to the low density in the immediate area.

PUBLIC COMMENTS

None were submitted prior to the Public Hearing.

FINDINGS OF FACT

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the addition will require the applicant to obtain a building permit and all work will be constructed according to the Uniform Building Code.
3. The proposed development will benefit the adjacent property values through investment and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City. The proposal generally complements the current neighborhood design, both in scale and with its architectural features and is consistent with other homes found in the neighborhood.
4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. Because the proposed addition meets all minimum setback requirements per the San Bruno zoning ordinance, the proposal will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
6. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
7. The proposed expansion complies with applicable off-street parking standards of the San Bruno zoning ordinance.

CONDITIONS FOR APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-18 shall not be valid for any purpose. Use Permit 06-18 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.

3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on August 16, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

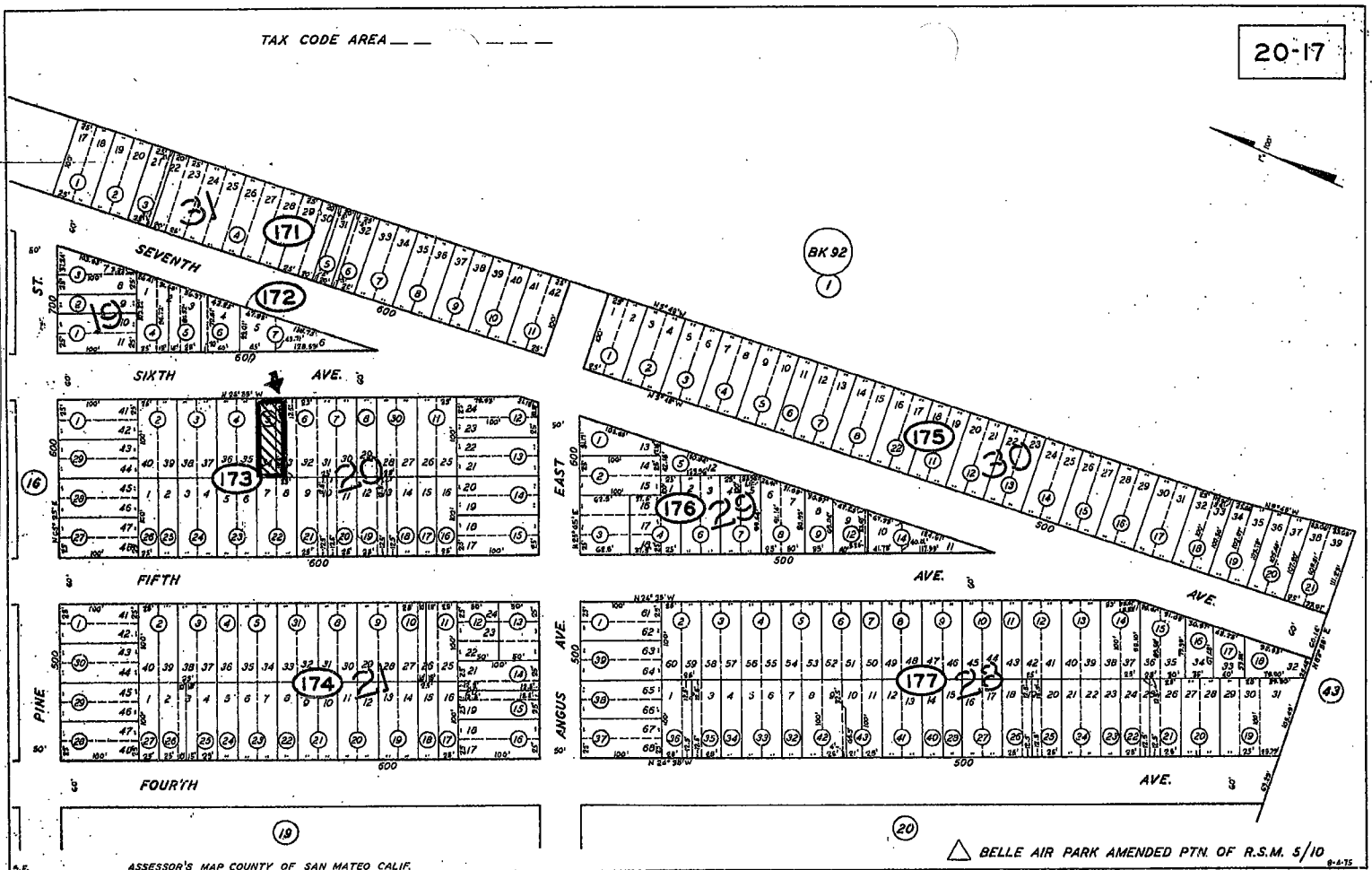
Department of Public Works – (650) 616-7065

8. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010.
9. Install a sanitary sewer lateral clean-out at property line per City standards details SS-01.
10. No fence, retaining wall, or other permanent structure to be placed within 2' from back of sidewalk. S.B.M.C. 8.08.010.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B.M.C. 12.16.020
13. Storm water from new and existing roof down-spouts, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1
14. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department – (650) 616-7096

15. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
16. Provide spark arrestor for chimney.
17. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.

Date of Preparation: August 1, 2006
Prepared by: Margaret Netto, Contract Planner



649 6th Avenue
 020-173-050
 UP-06-18

Exhibit A – Site Location

| | |
|---|--|
| 1 | (N) SITE PLAN, LOCATION MAP, |
| 2 | PROJECT DATA, (E) ELEVATIONS & (N) ROOF PLAN |
| 3 | (E) FIRST FLOOR, (N) SECOND FLOOR |
| 4 | (N) ELEVATIONS & SECTION |
| 5 | DETAILS |
| 6 | DETAILS |
| 7 | TITLE 24 |

B ADDRESS: 649 6TH AVE,
SAN BRUNO, 94066

LOCK:
DINING
CONSTRUCTION TYPE:
CUPANCY CLASS:
EOT AREA:
TBACKS:

| | (E) | (N) |
|-----------|-------|--------------|
| FRONT: | 19'0" | (NO CHANGES) |
| REAR: | 24'9" | 18'3" |
| SIDE (N): | 6'2" | (NO CHANGES) |
| SIDE (S): | 5'0" | (NO CHANGES) |

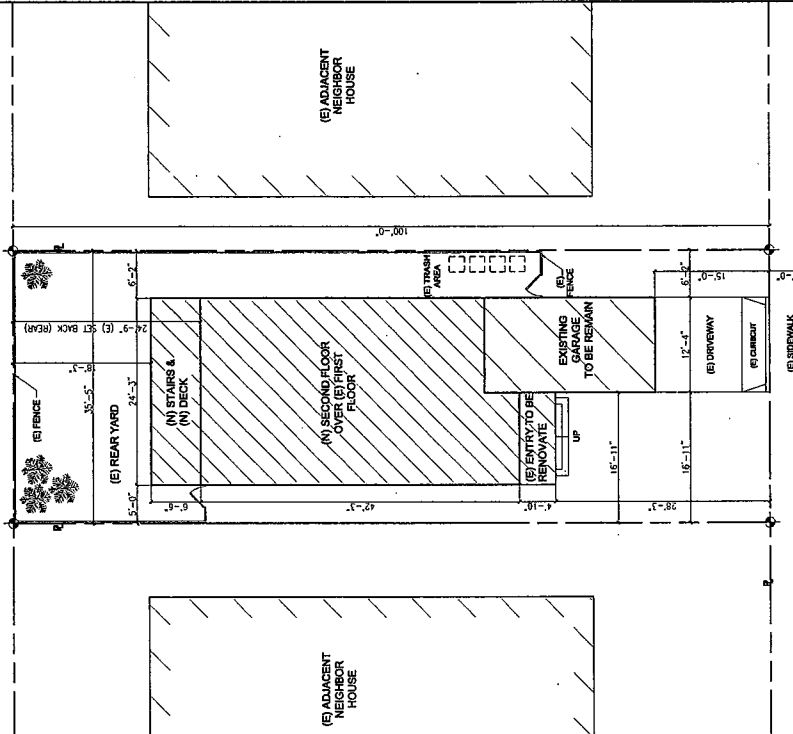
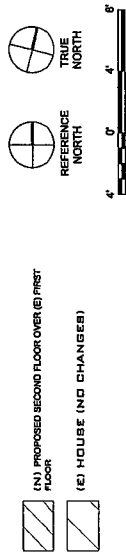
| | | |
|------------------------|----------------|--------------|
| BUILDING AREAS: | | |
| BUILDING AREAS: | | |
| (E) FIRST FLOOR | 1190 SF | (NO CHANGES) |
| (N) SECOND FLOOR: | 857 SF | (NEW AREA) |
| TOTAL | 2047 SF | |

PROPOSED (N) SECOND FLOOR PLAN OVER
(E) FIRST FLOOR
REMODELED (E) ENTRY IN (E) FIBT FLOOR
(N) STAIRS AND (DECK) OPN THE REAR FACADE

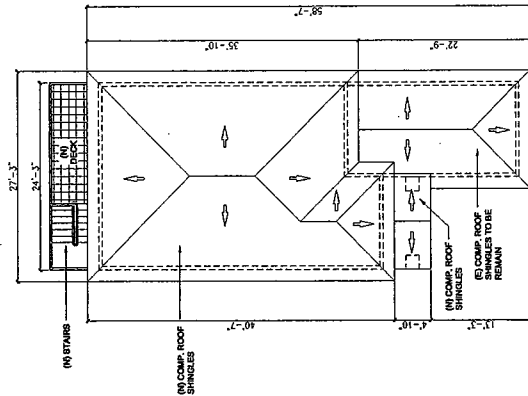
Map showing the intersection of Walnut St and San Bruno Ave. The map includes the following streets and landmarks:

- Streets:** 7TH AVE, 6TH AVE, 5TH AVE, 4TH AVE, 3TH AVE, 2TH AVE, SAN BRUNO AVE, SAN MATEO AVE, HUNTINGTON AVE, MILLS AVE, MASON AVE, SAN BRUNO AVE (bottom right), 1ST ST (diagonal), WALNUT ST.
- Landmarks:** PROPERTY SHOWN (indicated by an arrow pointing to a lot on 5TH AVE).

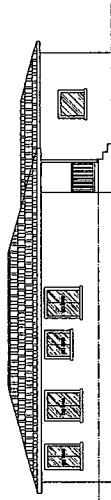
SCALE: 1/8" = 1'-0"



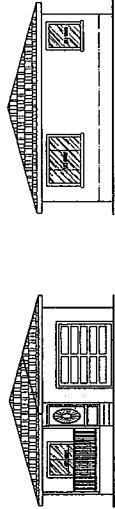
(N) ROOF PLAN



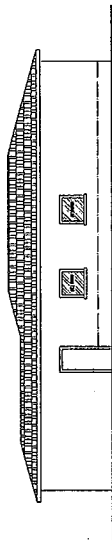
(E) SOUTH ELEVATION



3 (E) FRONT & REAR ELEVATION



4 (E) NORTH ELEVATIONS SCALE: 1" = 10'



SECOND FLOOR HOUSE ADDITION
TO:
RAFAEL GUTIERREZ
ADDRESS:
549 6TH ST, SAN BRUNO, CALIFORNIA, 9

DRAWINGS:
(E) FIRST FLOOR PLAN
(N) SECOND FLOOR PLAN
ELEVATIONS

| | | |
|------------------|------------------|-------------------|
| Project 06101 | Date 05-19-06 | Scale AS SHOWN |
| DRAWN BY: JVM | | Sheet A1 |

Exhibit B – Site, Floor & Elevation Plans

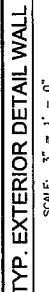
| | | | | | | |
|---|-----------|-------|------|----------|-------|--------------|
| DRAWINGS: (N) ELEVATIONS & SECTIONS | Project | 06101 | Date | 06-19-06 | Scale | 1/4" = 1'-0" |
| | Drawn By: | JWM | | Sheet | | A3 |

2 (N) REAR ELEVATION SCALE: 1/4" = 1'-0"

NOTES:

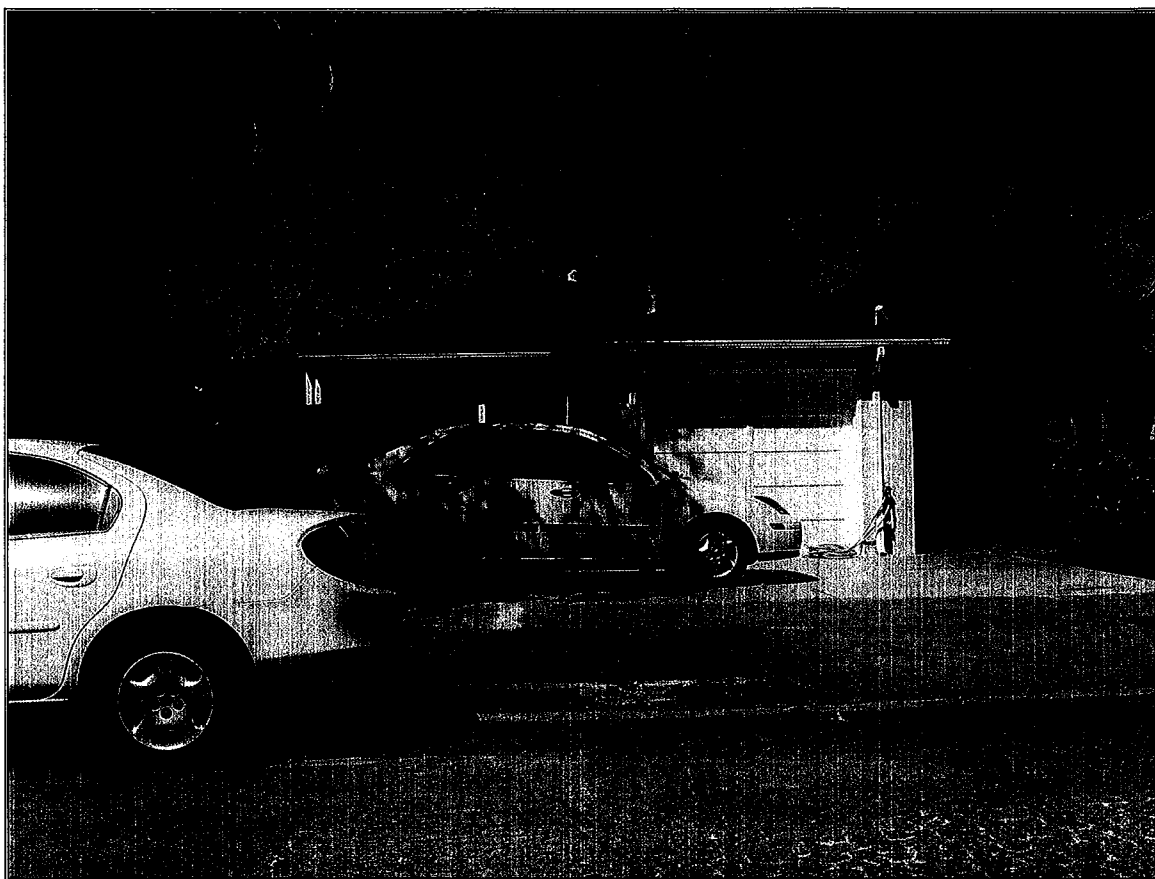
1. EXT. ENTRY WALL LIGHT IDAHO WOOD INDUSTRIES SANDPOINT, IDAHO MODEL PLAN 9000-0001.
2. ROOF DRAINS SHALL DISCHARGE AND DRAIN AWAY FROM THE BUILDING FOUNDATION TO AN UNPAVED AREA WHEREVER POSSIBLE.
3. LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES TO AVOID ADVERSE EFFECTS.
4. REFER TO STRUCTURAL DRAWINGS FOR FINAL INFORMATION ABOUT REINFORCEMENT AND ATTACHMENTS.

| | | |
|------------------|------------------|-------------------|
| Project 06101 | Date 03-19-06 | Scale AS SHOWN |
| DRAWN BY: JVM | | Sheet A5 |

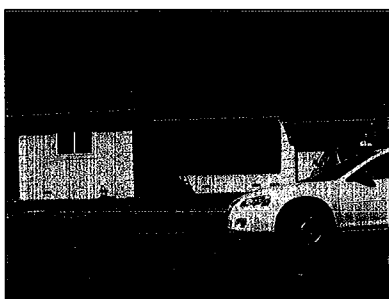


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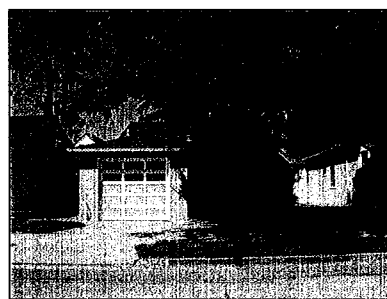
EXHIBIT C: Photos



Subject Residence – 649 6th Avenue (020-173-050)



637 6th Avenue (020-173-070)



645 6th Avenue (020-173-060)



657 6th Avenue (020-173-040)



669 6th Avenue (020-173-030)



567 El Camino Real
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STAFF

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Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Aaron Akin, AICP, *Planning Manager*
Tony Rozzi, *Assistant Planner*
Lisa Costa Sanders, *Contract Planner*
Margaret Netto, *Contract Planner*
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PLANNING COMMISSION

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Rick Biasotti, *Vice Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Perry Petersen
Joe Sammut

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. E3
AUGUST 15, 2006**

PROJECT LOCATION

1. Address: 405 Cherry Avenue
2. Assessor's Parcel No: 020-262-230
3. Zoning District: R-1 (Single Family Residential District)
4. General Plan Classification: Low Density Residential

EXHIBITS

- A:** Site Location
B: Site Plan, Floor Plans and Elevations
C: Correspondence from applicant dated July 31, 2006

REQUEST

Request for a Use Permit to allow the construction of an addition to an existing residence which increases the floor area by more than 50% and proposes a floor area greater than 1,825 square feet while only providing a one-car garage per Section 12.200.030.B.1, 12.200.080.A.2, and 12.120.010.B of the San Bruno Zoning Ordinance. Alma and Jeramie Perez (Owners); Dale Meyer (Applicant) **UP-06-07**

RECOMMENDATION

Staff recommends that the Planning Commission **continue** Use Permit 06-07.

REVIEWING AGENCIES

Community Development Department
Public Works Department

Fire Department

LEGAL NOTICE

1. Notices of Public Hearing mailed to owners of property within 300 feet on August 4, 2006
2. Advertisement published in the *San Mateo Times*, Saturday, August 5, 2006

UPDATE

Staff is requesting continuance to a future Planning Commission meeting to allow the applicant time to revise the plans to allow for a two-car garage, per the City of San Bruno Zoning Ordinance requirements.

Date of Preparation: August 11, 2006
Prepared by: Tony Rozzi, Assistant Planner



567 El Camino Real
 San Bruno, CA 94066
 Voice: (650) 616-7074
 Fax: (650) 873-6749
<http://www.ci.sanbruno.ca.us>

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 Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Sujendra Mishra, *Chair*
 Rick Biasotti, *Vice Chair*
 Kevin Chase
 Mary Lou Johnson
 Bob Marshall, Jr.
 Perry Petersen
 Joe Sammut

**PLANNING COMMISSION
 STAFF REPORT
 AGENDA ITEM NO. E4
 August 15, 2006**

REQUEST

Request to amend Chapter 12.84.150 "Fences, hedges, walls and plantings" of Title 12 "Land Use" of the San Bruno Municipal Code.

RECOMMENDATION

That the Planning Commission adopt Resolution No. 2006-__ recommending to the City Council to amend Chapter 12.84.150 "Fences, hedges, walls and plantings" of Title 12 "Land Use" of the San Bruno Municipal Code based on the findings of fact delineated within the proposed resolution.

Amend SBMC Section 12.84.150 as follows:

12.84.150 Fences, hedges, walls and plantings.

Exceptions," of the San Bruno Municipal Code is amended to read as follows:

12.84.150 Fences, hedges, walls and plantings.

A. No fence, hedge, wall or screen planting of any kind for residential properties:

1. Shall be constructed or grown to exceed six feet in height (unless otherwise permitted by law) within any required side yard to the rear of the required front yard of any dwelling or within any required rear yard. An additional two feet of lattice may be placed on the top of a fence or wall, so that the total height of the structure does not exceed eight feet.
2. Shall exceed three feet in height within the required front yard of any dwelling; and
3. Shall be situated within twenty-five feet of the street corner of a corner lot, unless otherwise approved by the Community Development Director. The Community Development Director may allow a fence to be situated within twenty-five feet of the corner if it is determined that the fence would not create a solid visual barrier and would not create a safety hazard within the immediate area. In no case shall a fence, hedge, wall or screen planting exceed 3' in height when situated within 25' of street corner or a corner lot.

EXHIBITS

- A. Resolution No. 2006-____
- B. Proposed Ordinance Amending Chapter 12.84.150 "Fences, hedges, walls and plantings"

REVIEWING AGENCIES

Community Development Department

LEGAL NOTICE

1. Advertisement published in the *San Mateo Times*, Saturday, August 5, 2006

PROJECT ANALYSIS

The City Council heard an appeal from the San Bruno Planning Commission's decision to deny a request for a variance to allow an eight and ten foot trellis in the rear yard where the maximum height allowed is six feet. At the meeting the City Council denied the appeal for the variance and directed that the ordinance be sent back to the Community Development Department for review. City Council requested that staff bring back recommendations for amendments to the zoning code which would allow for a taller fence height in certain circumstances.

Currently, fences, walls and screen planting are limited to 6' in height within the side and rear yard. Citizens often request that they be allowed a slightly higher fence height. Most of the inquiries stem from pursuit of additional privacy and protection from the wind.

The proposed code revisions would amend the section of the Municipal Code to allow an additional 2' height via a lattice on the top of a fence or wall. This would allow for privacy as well as wind protection, while also allowing better light and air access to the adjacent properties than an additional 2'-0" solid fence on top of the existing 6' high fence would allow.

The attached ordinance amendment would also amend fences on a corner lot. Currently the Code does not allow fences within 25' of the street corner of a corner lot. The amendment would give the Director of Community Development the discretion to allow fences, walls and landscaping within that area with the finding that the structure would not create a solid visual barrier and would not create a safety hazard within the immediate area. The code amendment limits the height of the fences within 25' from the street corner to 3', which is consistent with subsection 2 of this Section, which allows 3' high fences in the front yard.

RESOLUTION NO. 2006 - ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BRUNO RECOMMENDING AMENDMENTS TO CHAPTER 12.84 OF THE SAN BRUNO ZONING ORDINANCE TO ALLOW AN ADDITIONAL 2'-0" TRELLIS ON THE TOP OF A FENCE, WALL, OR SCREENING PLANTING; AND TO ALLOW DISCRETIONARY REVIEW OF 3'-0" HIGH FENCES WITHIN 25'-0" FROM THE STREET CORNER OF A CORNER LOT.

WHEREAS, a Notice of Public Hearing was duly posted and noticed for consideration of the zoning text revisions at the City of San Bruno Planning Commission meeting of August 15, 2006, and on said date, the Public Hearing opened, held and closed;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on the facts in the Staff Report, written and oral testimony, and exhibits presented, makes the following findings of facts in support of the proposed zoning text revisions:

1. The proposed zoning text amendments are all consistent with the General Plan of the City of San Bruno.
2. The request to amend the San Bruno Zoning Ordinance has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and the San Bruno environmental review procedures and this zoning text amendment is Categorically Exempt.
3. The proposed amendment related to fences, hedges, walls and screen plantings will not be detrimental to the health, safety, morals, comfort and general welfare of the Citizens of San Bruno.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Bruno recommends that the following additions, deletions, and revisions be made to the San Bruno Zoning Ordinance:

1. That Section 12.84.150. "Fences, hedges, wall and plantings," of Title 12, Article III "Zoning," Chapter 12.84, "General Provisions, Conditions and Exceptions," of the San Bruno Municipal Code is amended to read as follows:

12.84.150 Fences, hedges, walls and plantings.

A. No fence, hedge, wall or screen planting of any kind for residential properties:

1. Shall be constructed or grown to exceed six feet in height (unless otherwise permitted by law) within any required side yard to the rear of the required front yard of any dwelling or within any required rear yard. An additional two feet of lattice may be placed on the top of a fence or wall, so that the total height of the structure does not exceed eight feet.
2. Shall exceed three feet in height within the required front yard of any dwelling;
or
3. Shall be situated within twenty-five feet of the street corner of a corner lot, unless otherwise approved by the Community Development Director. The Community Development Director may allow a fence to be situated within twenty-five feet of the corner if it is determined that the fence would not create a solid visual barrier and would not create a safety hazard within the immediate area. In no case shall a fence, hedge, wall or screen planting exceed 3' in height when situated within 25' of street corner or a corner lot.

Section 2. The City Clerk shall publish this Ordinance in accordance with applicable law.

Section 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion(s) or section(s) of the Ordinance. The City Council of the City of San Bruno hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s) or phrase(s) be declared invalid.

Section 4. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Dated: _____
Planning Commission Chair

ATTEST:

APPROVED AS TO FORM:

Planning Commission Secretary
Tambri Heyden

City Attorney
Pamela Thompson

I, Tambri Heyden, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of San Bruno on this 15th day of August 2005⁶ by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

[DRAFT] ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 12.84.150
OF THE SAN BRUNO ZONING ORDINANCE TO ALLOW AN ADDITIONAL 2'-
0" TRELLIS ON THE TOP OF A FENCE, WALL, OR SCREENING PLANTING;
AND TO ALLOW DISCRETIONARY REVIEW OF 3'-0" HIGH FENCES WITHIN
25'-0" FROM THE STREET CORNER OF A CORNER LOT.**

Section 1. Section 12.84.150. "Fences, hedges, wall and plantings," of Title 12, Article III "Zoning," Chapter 12.84, "General Provisions, Conditions and Exceptions," of the San Bruno Municipal Code is amended to read as follows:

12.84.150 Fences, hedges, walls and plantings.

A. No fence, hedge, wall or screen planting of any kind for residential properties:

1. Shall be constructed or grown to exceed six feet in height (unless otherwise permitted by law) within any required side yard to the rear of the required front yard of any dwelling or within any required rear yard. An additional two feet of lattice may be placed on the top of a fence or wall, so that the total height of the structure does not exceed eight feet.
2. Shall exceed three feet in height within the required front yard of any dwelling; and
3. Shall be situated within twenty-five feet of the street corner of a corner lot, unless otherwise approved by the Community Development Director. The Community Development Director may allow a fence to be situated within twenty-five feet of the corner if it is determined that the fence would not create a solid visual barrier and would not create a safety hazard within the immediate area. In no case shall a fence, hedge, wall or screen planting exceed 3' in height when situated within 25' of street corner or a corner lot.

Section 2. The City Clerk shall publish this Ordinance in accordance with applicable law.

Section 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion(s) or section(s) of the Ordinance. The City Council of the City of San Bruno hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the

fact that any one or more section(s), subsection(s), sentence(s), clause(s) or phrase(s) be declared invalid.

Section 4. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

---o0o---

I hereby certify that the foregoing
Ordinance No. _____ was introduced
on _____, and adopted at a regular
meeting of the San Bruno City Council on
_____, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

City Clerk



567 El Camino Real
 San Bruno, CA 94066
 Voice: (650) 616-7074
 Fax: (650) 873-6749
<http://www.ci.sanbruno.ca.us>

STAFF

Tambri Heyden, AICP, *Community Development Director*
 Mark Sullivan, AICP, *Housing and Redevelopment Manager*
 Aaron Akin, AICP, *Planning Manager*
 Tony Rozzi, *Assistant Planner*
 Lisa Costa Sanders, *Contract Planner*
 Margaret Netto, *Contract Planner*
 Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Sujendra Mishra, *Chair*
 Rick Biasotti, *Vice Chair*
 Kevin Chase
 Mary Lou Johnson
 Bob Marshall, Jr.
 Perry Petersen
 Joe Sammut

**PLANNING COMMISSION
 STAFF REPORT
 AGENDA ITEM NO. E5
 August 15, 2006**

REQUEST

Request to amend Chapter 12.84.030 "Temporary Uses" of Title 12 "Land Use" of the San Bruno Municipal Code.

RECOMMENDATION

That the Planning Commission adopt Resolution No. 2006-__ recommending to the City Council to amend Chapter 12.84.030 "Temporary Uses" of Title 12 "Land Use" of the San Bruno Municipal Code based on the findings of fact delineated within the proposed resolution.

Amend SBMC Section 12.84.030 as follows:

12.84.030 Temporary Uses

- A. In order for a use to qualify as a temporary use, the use must be listed as a conditional use within the applicable zoning district, except as allowed in 12.84.030 (C).
- B. The Community Development Director may grant use permits for temporary uses for a period of up to three (3) months only if he or she makes the findings set forth in 12.112.050 of the San Bruno Municipal Code. The Planning Commission may grant such temporary uses for a period of up to one (1) year by using the procedure set forth in Chapter 12.112 governing the granting of a use permit. Under no circumstance shall a temporary use exist for more than a period of one year.
- C. The Community Development Director may grant use permits for temporary off-site construction storage yards in non-residential zoning districts for a period of up to three (3) months only if he or she makes the findings set forth in 12.112.050 of the San Bruno Municipal Code. The Planning Commission may grant use permits for temporary off-site construction storage yards in non-residential zoning districts for a period of up to one (1) year by using the procedure set forth in Chapter 12.112 governing the granting of a use permit. In addition, granting of a temporary use permit for a temporary construction storage yard shall be subject to the following minimum standards:

1. Temporary construction storage yard hours of operation are limited to 6:00 am to 6:00 pm. Limited access to the storage yard outside of these hours shall be allowed when authorized in writing, in advance, by the Director of Community Development. .
2. The temporary construction storage yard shall be solely used for storage of construction materials and vehicles. No servicing of equipment or preparation of materials shall be performed at the storage yard.
3. The temporary construction storage yard shall be enclosed by a six (6) foot high chain link fence with vinyl slats or black mesh or windscreen netting. The screening material must screen the contents of the yard from all adjacent properties.
4. All vehicles associated with the construction activity shall be parked or stored within the confines of the storage yard. Street parking shall not be utilized by construction employees or business activities.
5. Any damages done to the adjacent properties or to the construction storage yard shall be repaired at the applicant's expense prior to the expiration of the temporary use. A restoration deposit may be required if deemed necessary by the City for this purpose prior to granting a temporary use permit.
6. The construction storage yard shall be kept clean of trash and debris at all times. Applicant shall keep public right-of-way bordering the construction yard clean of debris and trash at all times. Any graffiti must be abated immediately.
7. Residing on the construction storage yard lot is prohibited unless deemed necessary by the Director of Community Development or Planning Commission, as appropriate, for security purposes.
8. Construction storage yard gates must remain locked when staff is not on-site.
9. An erosion control plan and storm water pollution prevention plan is required. It must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform with the current NPDES requirements.
10. All hazardous materials on-site shall be contained to the satisfaction of the Fire Chief, as well as comply with all other state and federal regulations.
11. Additional conditions to meet the findings set forth in 12.112.050 of the Municipal Code can be imposed if deemed appropriate by the Community Development Director or Planning Commission, as appropriate.

EXHIBITS

- A. Resolution No. 2006-__
- B. Proposed Ordinance Amending Chapter 12.84.030 "Temporary Uses"

LEGAL NOTICE

- 1. Advertisement published in the *San Mateo Times*, Saturday, August 5, 2006

PROJECT ANALYSIS

Currently the San Bruno Municipal Code is silent on the issue of utilizing parcels as offsite construction storage yards. Although the temporary use permit process has been utilized to review construction storage yard proposals in the past, this process has not yet been formalized within the Municipal Code. The proposed ordinance amendment would formalize the process, set mandatory findings for approval and specify mandatory conditions of approval. This will allow staff to process an application in an efficient manner, while allowing the construction yards operators to know the mandatory conditions of approval prior to requesting a location.

The conditions listed in Subsection (C) come as the result of staff's experience with construction storage yards. Unless properly conditioned, many construction storage yards can negatively impact the surrounding neighborhoods. The conditions of approval will help mitigate potential noise, traffic, aesthetic, parking, security, hazardous material and stormwater impacts that are often associated with construction storage yards. It is also important to note that this section only relates to off-site construction storage yards in non-residential zoning districts. Onsite construction yards are allowed by right during the construction process and are subject to the requirements set forth in the Municipal Code. Off-site construction storage yards would not be permitted in residential zoning districts.

Subsection (A) of this ordinance amendment limits temporary uses to uses listed as a conditional use within a zoning district. This section also requires that the same findings required for permanent use permit be made for temporary use permits.

PLANNING COMMISSION
RESOLUTION NO. 2006 - ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN
BRUNO RECOMMENDING AMENDMENTS TO CHAPTER 12.84.030
OF THE SAN BRUNO ZONING ORDINANCE REGULATING TEMPORARY
USES IN SAN BRUNO.**

WHEREAS, a Notice of Public Hearing was duly posted and noticed for consideration of the zoning text revisions at the City of San Bruno Planning Commission meeting of August 15, 2006, and on said date, the Public Hearing opened, held and closed;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on the facts in the Staff Report, written and oral testimony, and exhibits presented, makes the following findings of facts in support of the proposed zoning text revisions:

1. The proposed zoning text amendments are all consistent with the General Plan of the City of San Bruno.
2. The request to amend the San Bruno Zoning Ordinance has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and the San Bruno environmental review procedures and this zoning text amendment is Categorically Exempt.
3. The proposed amendment related to temporary uses will not be detrimental to the health, safety, morals, comfort and general welfare of the Citizens of San Bruno.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Bruno recommends that the following additions, deletions, and revisions be made to the San Bruno Zoning Ordinance:

12.84.030 Temporary Uses

- A. In order for a use to qualify as a temporary use, the use must be listed as a conditional use within the applicable zoning district, except as allowed in 12.84.030 (C).
- B. The Community Development Director may grant use permits for temporary uses for a period of up to three (3) months only if he or she makes the findings set forth in 12.112.050 of the San Bruno Municipal Code. The Planning Commission may grant such temporary uses for a period of up to one (1) year by using the procedure set forth in Chapter 12.112 governing the

granting of a use permit. Under no circumstance shall a temporary use exist for more than a period of one year.

- C. The Community Development Director may grant use permits for temporary off-site construction storage yards in non-residential zoning districts for a period of up to three (3) months only if he or she makes the findings set forth in 12.112.050 of the San Bruno Municipal Code. The Planning Commission may grant use permits for temporary off-site construction storage yards in non-residential zoning districts for a period of up to one (1) year by using the procedure set forth in Chapter 12.112 governing the granting of a use permit. In addition, granting of a temporary use permit for a temporary construction storage yard shall be subject to the following minimum standards:
1. Temporary construction storage yard hours of operation are limited to 6:00 am to 6:00 pm. Limited access to the storage yard outside of these hours shall be allowed when authorized in writing, in advance, by the Director of Community Development. .
 2. The temporary construction storage yard shall be solely used for storage of construction materials and vehicles. No servicing of equipment or preparation of materials shall be performed at the storage yard.
 3. The temporary construction storage yard shall be enclosed by a six (6) foot high chain link fence with vinyl slats or black mesh or windscreen netting. The screening material must screen the contents of the yard from all adjacent properties.
 4. All vehicles associated with the construction activity shall be parked or stored within the confines of the storage yard. Street parking shall not be utilized by construction employees or business activities.
 5. Any damages done to the adjacent properties or to the construction storage yard shall be repaired at the applicant's expense prior to the expiration of the temporary use. A restoration deposit may be required if deemed necessary by the City for this purpose prior to granting a temporary use permit.
 6. The construction storage yard shall be kept clean of trash and debris at all times. Applicant shall keep public right-of-way bordering the construction yard clean of debris and trash at all times. Any graffiti must be abated immediately.
 7. Residing on the construction storage yard lot is prohibited unless deemed necessary by the Director of Community Development or Planning Commission, as appropriate, for security purposes.

8. Construction storage yard gates must remain locked when staff is not on-site.
9. An erosion control plan and storm water pollution prevention plan is required. It must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform with the current NPDES requirements.
10. All hazardous materials on-site shall be contained to the satisfaction of the Fire Chief, as well as comply with all other state and federal regulations.
11. Additional conditions to meet the findings set forth in 12.112.050 of the Municipal Code can be imposed if deemed appropriate by the Community Development Director or Planning Commission, as appropriate.

Dated: _____
Planning Commission Chair

ATTEST: APPROVED AS TO FORM:

Planning Commission Secretary
Tambri Heyden

City Attorney
Pamela Thompson

I, Tambri Heyden, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of San Bruno on this 15th day of August 2006 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

[DRAFT] ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 12.84.030
OF THE SAN BRUNO ZONING ORDINANCE REGULATING TEMPORARY
USES
IN SAN BRUNO

Section 1. The City Council of the City of San Bruno ordains as follows:
That section 12.84.030 of the San Bruno Municipal Code be replaced in its
entirety as follows:

12.84.030 Temporary Uses

- A. In order for a use to qualify as a temporary use, the use must be listed as a conditional use within the applicable zoning district, except as allowed in 12.84.030 (C).
- B. The Community Development Director may grant use permits for temporary uses for a period of up to three (3) months only if he or she makes the findings set forth in 12.112.050 of the San Bruno Municipal Code. The Planning Commission may grant such temporary uses for a period of up to one (1) year by using the procedure set forth in Chapter 12.112 governing the granting of a use permit. Under no circumstance shall a temporary use exist for more than a period of one year.
- C. The Community Development Director may grant use permits for temporary off-site construction storage yards in non-residential zoning districts for a period of up to three (3) months only if he or she makes the findings set forth in 12.112.050 of the San Bruno Municipal Code. The Planning Commission may grant use permits for temporary off-site construction storage yards in non-residential zoning districts for a period of up to one (1) year by using the procedure set forth in Chapter 12.112 governing the granting of a use permit. In addition, granting of a temporary use permit for a temporary construction storage yard shall be subject to the following minimum standards:
 - 1. Temporary construction storage yard hours of operation are limited to 6:00 am to 6:00 pm. Limited access to the storage yard outside of these hours shall be allowed when authorized in writing, in advance, by the Director of Community Development. .
 - 2. The temporary construction storage yard shall be solely used for storage of construction materials and vehicles. No servicing of equipment or preparation of materials shall be performed at the storage yard.
 - 3. The temporary construction storage yard shall be enclosed by a six (6) foot high chain link fence with vinyl slats or black mesh or windscreen

netting. The screening material must screen the contents of the yard from all adjacent properties.

4. All vehicles associated with the construction activity shall be parked or stored within the confines of the storage yard. Street parking shall not be utilized by construction employees or business activities.
5. Any damages done to the adjacent properties or to the construction storage yard shall be repaired at the applicant's expense prior to the expiration of the temporary use. A restoration deposit may be required if deemed necessary by the City for this purpose prior to granting a temporary use permit.
6. The construction storage yard shall be kept clean of trash and debris at all times. Applicant shall keep public right-of-way bordering the construction yard clean of debris and trash at all times. Any graffiti must be abated immediately.
7. Residing on the construction storage yard lot is prohibited unless deemed necessary by the Director of Community Development or Planning Commission, as appropriate, for security purposes.
8. Construction storage yard gates must remain locked when staff is not on-site.
9. An erosion control plan and storm water pollution prevention plan is required. It must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform with the current NPDES requirements.
10. All hazardous materials on-site shall be contained to the satisfaction of the Fire Chief, as well as comply with all other state and federal regulations.
11. Additional conditions to meet the findings set forth in 12.112.050 of the Municipal Code can be imposed if deemed appropriate by the Community Development Director or Planning Commission, as appropriate.

Section 2. The City Clerk shall publish this Ordinance in accordance with applicable law.

Section 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion(s) or section(s) of the Ordinance. The City Council of the City of San Bruno hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the

fact that any one or more section(s), subsection(s), sentence(s), clause(s) or phrase(s) be declared invalid.

Section 4. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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I hereby certify that the foregoing Ordinance No. _____
was introduced on _____, and adopted at a regular
meeting of the San Bruno City Council on _____, by
the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

City Clerk